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THE COMPLETE GUIDE TO

GARDEN SUITES



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THE COMPLETE GUIDE TO

GARDEN SUITES

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*Printed in Canada
Produced by CMHC*

*Cette publication est aussi disponible en français sous le titre :
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The Complete Guide to Garden Suites was prepared for CMHC by ALLAN E. BRASS ASSOCIATES INC., Consulting Urban and Regional Planners; LOVATT PLANNING CONSULTANTS; and SMITH, LYONS, TORRANCE, STEVENSON & MAYER, Barristers and Solicitors.

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INTRODUCTION

There are presently many options available for housing Canadian senior citizens. In recent years, however, attention has been focused on alternatives to institutional forms of housing. There are many reasons for this. First, many senior Canadians are capable of living independently as long as they have direct and ready access to structured or informal support services. Second, the public costs of institutional care are likely to grow significantly because of Canada's aging population unless alternative forms of accommodation are developed.

One housing form that has generated considerable interest as an alternative to institutional care for seniors is the garden suite.

The garden suite is a free-standing dwelling unit that can be placed temporarily in the rear or side yard of a property accommodating an existing single-family dwelling. Seniors, as well as younger persons with disabilities, are able to live independently in the garden suite while having access to informal support services provided by relatives or friends who live in the single family dwelling (the "host family"). The informal support may also be complemented by services from community-based agencies.

Numerous garden suites have been installed across Canada as part of pilot or demonstration projects. Follow-up evaluation studies and surveys have shown them to be extremely effective as a form of housing, enjoying a high degree of acceptance by their occupants, host families and community residents. Because this is a new form of housing, however, it is not widely known and thus few municipalities have approval procedures in place to enable them to process applications for garden suite

installations expeditiously.

This Guide is intended to foster a wider familiarity and acceptance of garden suites as a suitable housing option for senior Canadians and persons with disabilities. More specifically, the Guide is intended to facilitate the deployment and control of garden suites by describing their physical and functional characteristics, their installation requirements, and the basic administrative procedures that are needed to process municipal applications for garden suites.


THE GUIDE IS DIVIDED INTO EIGHT PARTS.

1.0 PART ONE - THE GARDEN SUITE CONCEPT

Part One provides a comprehensive overview of the garden suite concept and its physical and related features. The benefits of the concept are described and major issues related to the deployment of garden suites are addressed.

2.0 PART TWO - INFORMATION FOR OCCUPANTS, HOST FAMILIES, OWNERS AND SUPPLIERS


Part Two is intended to help interested seniors and their host families decide if the garden suite option is appropriate for their needs, and what is involved in obtaining and placing a garden suite unit. It is also intended as a guide for non-profit and public sector housing organizations as well as businesses interested in owning, providing and managing garden suites. Garden suite availability and terms, and the responsibilities of garden suite owners and host households are described. The initial considerations and steps relating to municipal



approval and development procedures also are identified.

3.0 PART THREE - GUIDELINES FOR MUNICIPAL APPROVAL

Part Three provides general guidelines for use by municipalities interested in establishing an approval process for garden suites. The various approval options available under current provincial enabling legislation are identified and a preferred option is recommended. Special provisions related to the unique features of the garden suite concept are identified, along with specific regulations and guidelines dealing with these provisions and the placement of the garden suite unit.



4.0 PART FOUR - PROVINCIAL AND TERRITORIAL PLANNING ACT PROVISIONS

Part Four examines the applicable legislation of all Canadian provinces and territories which enables the deployment and control of garden suites at the municipal level. For each province and territory, specific approval options within the framework of the relevant enabling legislation are identified. Legislation which is particularly effective in facilitating the deployment and approval of garden suites at the local municipal level is highlighted. As is the case with Part Three, Part Four is primarily intended for use by municipalities interested in implementing the garden suite as a housing option. Provincial and territorial officials responsible for administering and amending the enabling legislation also will find this Part of the Guide useful.

5.0 PART FIVE - SAMPLE IMPLEMENTATION DOCUMENTS

Part Five provides samples of the types of implementation documents which may be required to deploy and control the siting, occupancy and removal of garden suites effectively. Most of these samples are based on actual documents used by municipalities and other affected parties for deploying and controlling existing garden suite units. Once again, this Part will be of primary interest to municipalities. Some of the documents also will be of interest to host households and suppliers of garden suites.

6.0 PART SIX - EXAMPLES OF INSTALLED GARDEN SUITES

Part Six illustrates examples of garden suite units already installed across Canada. The illustrations have been compiled from descriptive and evaluative reports of various garden suite demonstration projects, and show a range of possibilities available in the design and siting of the units. Part Six is of interest to anyone who may be involved with garden suites.

7.0 PART SEVEN - INFORMATION SOURCES

Part Seven lists government departments and agencies by province and territory which may provide additional information and assistance related to the deployment and control of garden suites. It also lists manufactured housing associations and companies capable of providing garden suites, by province and territory.

8.0 PART EIGHT - REFERENCES

Part Eight contains a selected bibliography of reference material related to garden suite demonstration projects in Alberta, Ontario and Quebec. References documenting national demonstration projects sponsored by the Canada Mortgage and Housing Corporation also are listed. Most of the reference material listed in Part Eight has been used in the preparation of this Guide.

As is evident from the foregoing descriptions of the contents of the component parts, it is intended that this Guide provide answers to the questions that may arise in the minds of anyone interested in garden suites. Perhaps it will contribute to the more widespread use of this unique form of housing as part of a multi-faceted approach to ensuring adequate housing for senior Canadians and persons with disabilities.

PART ONE:

THE GARDEN SUITE CONCEPT



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PART ONE:

THE GARDEN SUITE CONCEPT

1.0 PROSPECTS FOR THE GROWTH OF THE SENIOR CANADIAN POPULATION

As of 1994, approximately 12 percent of the Canadian population was 65 years of age or older. Taking into account current trends for increasing life expectancies for both men and women, and the nation's demographic structure, that figure could approach 25 percent by the year 2031. There is, and will continue to be, a broad diversity of backgrounds, interests, and levels of health, fitness, incomes and assets, that influence the housing needs and preferences of senior Canadians.

Statistics for 1991 reveal that over 46 percent of persons age 65 or over suffer from one or more types of disability such as impaired mobility, agility, hearing, vision, cognitive ability or speech. The type and extent of those disabilities is illustrated in Table 1, extracted from the Health and Activity Limitation Survey conducted by Statistics Canada in 1986 and 1987.

Table 1

*Health-related factors
of senior Canadians*

HEALTH-RELATED FACTORS	AGE GROUP		
	60-64	65-75	75+
PER CENT WHO REPORTED:	%	%	%
Fair or Poor Health	31	35	43
Having Trouble Walking	13	21	42
Having Trouble with Stairs	20	27	44
Having Trouble Cutting Toenails	11	21	43
Having Trouble Reading Small Print	6	9	20
Having Trouble Hearing Conversations	15	21	34
Having Difficulties with Heavy Housework	12	23	47
Having Difficulty Making Meals	4	8	18
Needing Help with Personal Care	<1	3	8

Many seniors require specialized institutional settings because of chronic infirmities or disabilities that necessitate almost constant surveillance and medical assistance, therapy or other care.

Notwithstanding health-related factors, however, the majority of senior Canadians enjoy a very high degree of independent living. This is illustrated by the percentage figures in Table 2.

Table 2

Housing and living arrangements of senior Canadians

HOUSING	AGE GROUP		
	60-64 %	65-75 %	75+ %
% WHO REPORTED:			
Being Owners	82	74	65
Living in a Detached House	73	66	57
Living in a High-Rise Apartment	7	11	16
LIVING ARRANGEMENTS			
% WHO REPORTED:			
Living with Spouse	76	63	43
Living Alone	14	24	36
Living with Non-Relatives	2	3	4
Living with Relatives	2	7	13

It is apparent from these figures that substantial numbers of seniors are able to maintain an independent lifestyle in the type and form of housing of their choosing. Because of the health or mobility restrictions noted in Table 1, however, they may require direct and ready access to a range of support services. Such support may range from the regular administration of medications or therapy to assistance with transportation for shopping or socializing.

Even though the need for support services increases with the aging process as a result of physiological, physical, psychological and social changes, Table 2 strongly suggests that substantial numbers of senior Canadians will be able to continue to live independently rather than in institutional settings.

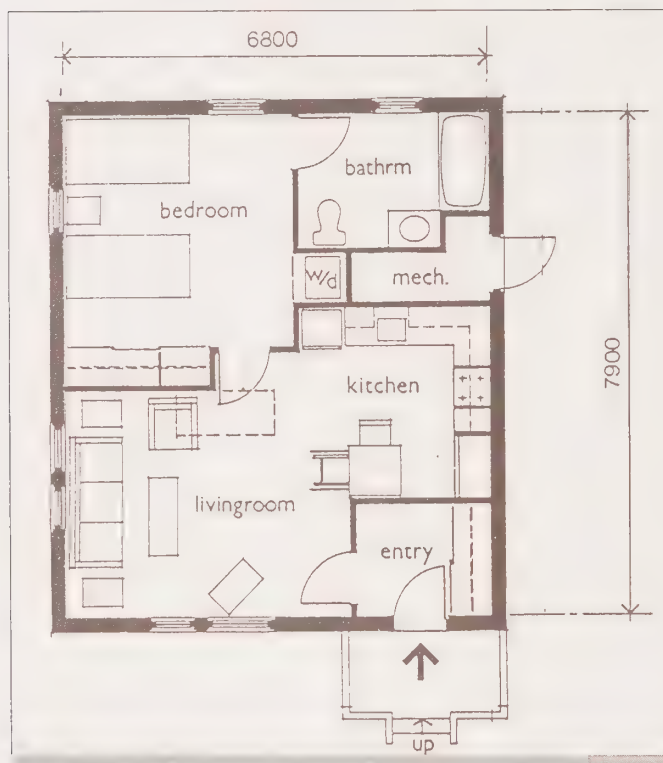
It should be noted that there are substantial public costs associated with the funding of institutionalized accommodation for seniors, such as capital costs for the construction of the facilities and ongoing operating costs including salaries for health care staff. Operating costs are particularly significant over the long term. Housing options that enable senior Canadians who do not require institutional care to maintain independent lifestyles can contribute significantly to the reduction in public expenditures on institutional housing for the elderly.

A variety of housing arrangements is available to enable senior individuals or couples to sustain independent lifestyles while using the support services that can often be provided by family, friends, or service agencies. The garden suite is one such housing form. It permits occupants to live relatively independently with informal support by children, grandchildren, younger family members, relatives, or friends who reside in the main house. The garden suite has been used extensively in Australia and California. It has also been studied in Canada, primarily on a demonstration basis, and has met with widespread acceptance. A follow up survey of the CMHC 1989 Garden Suite Demonstration Home Project involving over 1,900 responses revealed the following:

- (a) 93 percent of demonstration visitors were favourably impressed;
- (b) 62 percent of demonstration visitors were very impressed;
- (c) 87 percent who received information packages by mail, but did not visit a demonstration unit, were favourably impressed;
- (d) of those who were randomly sampled on a national basis, 8 percent indicated that they were very likely to install a garden suite on their property, and 21 percent indicated that their parents were very likely to want to live in a garden suite;

Figure 1

The type of garden suite installed during the Ontario demonstration project.



Source: *Demonstration Project Summary Report, Ontario Ministry of Housing, June, 1990.*

(e) of those who visited a demonstration unit, 13 percent indicated that they were very likely to install a garden suite on their property, and 36 percent indicated that their parents were very likely to want to live in a garden suite.

Projections based on the results of this survey, indicated that there could be 213,000 families who would be very interested in becoming a host family and in installing a garden suite on their property.

2.0 CHARACTERISTICS OF THE GARDEN SUITE

A garden suite is usually a portable, or demountable one-storey, basementless, one- or two-bedroom, self-contained dwelling that is installed on a temporary basis as a free-standing unit in the rear yard of a parcel of land on which a permanent single family house is

already situated. It is designed so that it can be removed and relocated when it is no longer required.

The garden suite is intended to be occupied by a senior individual or couple who are able to live independently in it. The house on the same

Figure 2

One of the Ontario demonstration project garden suites as it was installed.



property is usually occupied by children, grandchildren, younger family members or relatives of the occupants of the garden suite. The individuals in the house are referred to as the “host family” and are usually the property owners.

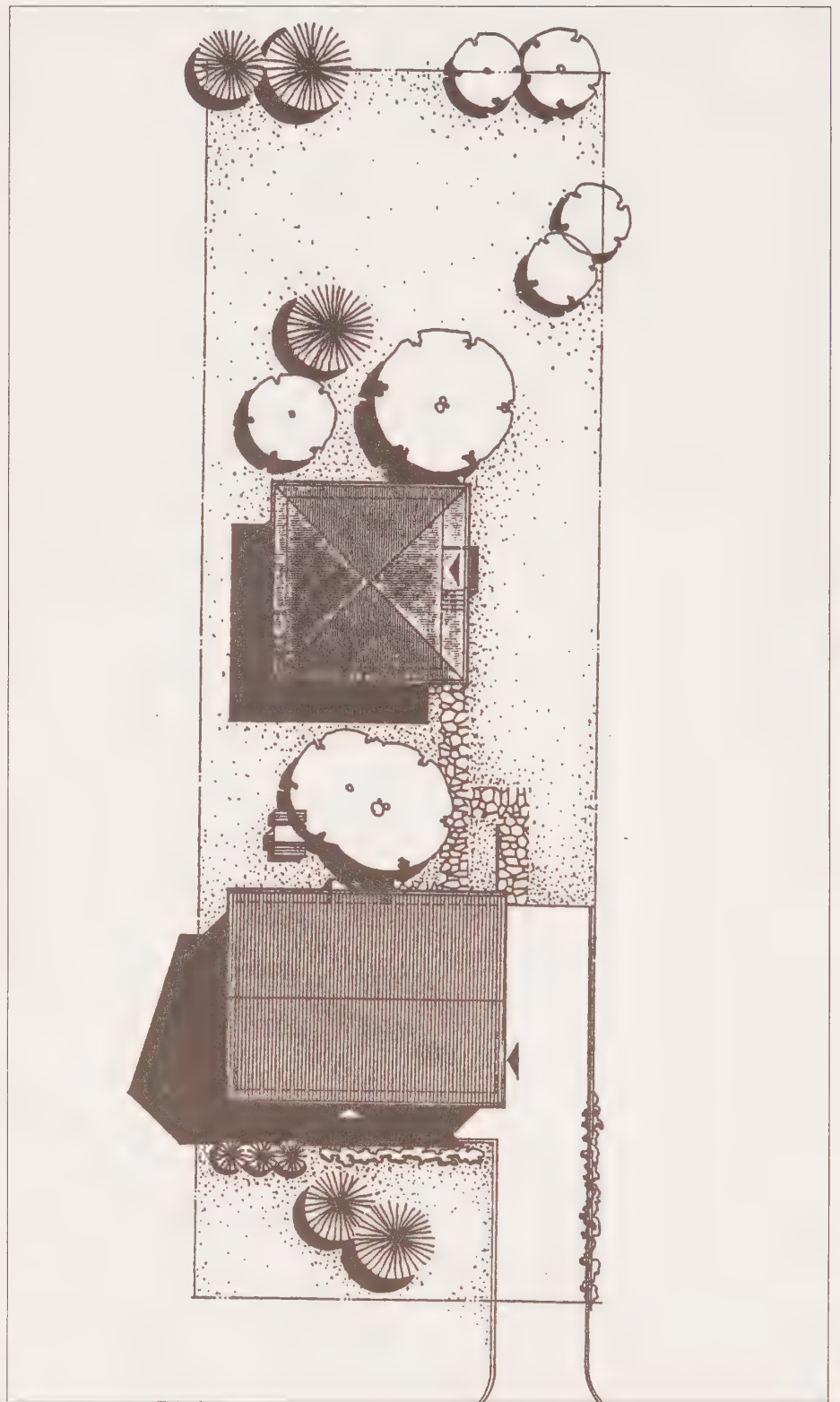
Alternatively, senior couples or individuals who own their homes can retain ownership of their property, have a garden suite installed for their use, and allow the house to be occupied by children, grandchildren, younger family members, relatives or friends who would assume the responsibilities of the host family.

3.0 SUITABLE GARDEN SUITE OCCUPANTS

Garden suite occupants are usually 65 years of age or older. This housing arrangement may also be appropriate for persons who are younger than 65 and have a disability. Under any circumstances, the occupants of the garden suite can live independently while receiving any required informal care and support from the members of the host family. The garden suite is intended to be occupied only by the specific individual or couple for whom it was installed. If those persons no

Figure 3

Site plan of one of the garden suites installed during the Ontario Demonstration Project.



longer occupy the garden suite, it should be removed from the property. There could, however, be special arrangements made for it to be occupied by another individual or couple who are eligible to do so because of their age or disability, and their relationship to the host family.

4.0 BENEFITS OF GARDEN SUITES

Because the occupants of the garden suite live near another household, this living arrangement can provide the informal support, companionship and security which may be all that many elderly persons require to remain in the community. At the same time, both garden suite occupants and the host family retain their privacy and independence.

Many seniors live in houses that are too large for their needs and may be difficult and expensive to maintain. The garden suite can provide more suitable, compact living quarters, while allowing larger houses to be put to more appropriate use in the housing market. This can provide seniors with the opportunity to use the equity in their homes to enhance their incomes.

In 1987 and 1988 as a Demonstration Project, the Ontario Ministry of Housing installed twelve "Portable Living Units for Seniors" (PLUS) in three municipalities. A social assessment of the Ontario Demonstration Project revealed that this living arrangement is very satisfactory for almost all occupants and hosts. In fact, in a number of cases it was said to enhance the well-being of occupants and to reduce the stress of family caregivers. The support provided included transportation, telephone checks, visits, and help with shopping and errands.

Host families reported the benefits of both increased companionship and services provided by the elderly occupant (such as child care and cooking). Occupants and host families reported closer family relationships as a result of this living arrangement.

Half of the occupants had relocated to a new community to be near their children. While there was an adjustment period associated with this relocation, the impact of the move was generally considered

positive for all the occupants.

The assessment of the Ontario Demonstration Project identified the following potential benefits of garden suites.

- (a) They facilitate the provision of support, companionship and security to the elderly occupants of the unit by the younger host household, while allowing both households continued independence.
- (b) They provide a healthy aging environment which may delay or preclude the need for institutionalization.
- (c) To the extent that host families provide necessary care to the elderly, garden suites may reduce demands on community services.
- (d) To the extent that this living arrangement may prevent or forestall need for accommodation in a home for the aged or nursing home, it may reduce demands on these already overburdened services.
- (e) The living arrangement helps to intensify utilization of the existing housing stock and infrastructure by freeing up under-utilized housing as seniors move to smaller, more appropriately sized units.
- (f) The use of land and infrastructure is intensified when a second portable unit is placed on an existing serviced lot.
- (g) Seniors who sell large houses to move into garden suites may experience financial gains.
- (h) As units are installed only on a temporary basis, they do not alter the character of existing neighbourhoods.

The Alberta Garden Suite Demonstration Project also revealed a positive impact on occupants, host families and communities, and the same benefits were identified.

5.0 PORTABILITY OF THE GARDEN SUITE

The portability of garden suites is an important factor in their design. All garden suites installed in Canada to date have been portable dwelling units manufactured off-site. This has greatly facilitated their

installation as well as their removal and relocation. It is possible to construct a garden suite in place; however, its temporary nature and the need for eventual removal must be reflected in the materials and construction methods used. Garden suite units which are factory-built as portable dwelling units are likely to be more economical than units constructed in place because they can be more easily installed and relocated.

There are a number of manufactured housing companies in Canada that produce dwelling units of one or more of the following types that are appropriate for use as garden suites.

- (a) **Modular Housing** As defined by the manufactured housing industry, this type of housing has approximately 85 percent of its value added at the factory. It leaves the plant on a flatbed truck in the form of completed modules or boxes. The modules contain the interior walls with all insulation, plumbing and electrical work installed, as well as wall finishes, floor coverings, cabinetry, mouldings and electrical and plumbing fixtures in place. Two or more modules can be joined together at the construction site to form a completed house. A garden suite would typically not exceed two modules.
- (b) **Mobile Home** Defined as a house that has 85 to 95 percent of its value added at the factory, mobile home units leave the factory as completed modules or boxes, like modular housing. Unlike the modular home, however, the mobile home modules are constructed on a longitudinal subframe (undercarriage) that ultimately forms a structural part of the foundation. Axle assemblies are attached to the subframe for transportation from the factory to the home site. These units contain all of the components noted in the modular type with the addition, in many cases, of appliances and window coverings. A completed mobile home may consist of two modules joined together at the home site or it can be a single module.
- (c) **Panelized Component Housing** The house is constructed from a series of factory produced wall, floor and roof panels. The panels may be "closed" with insulation, wiring, vapour

barrier, interior gypsum board, and exterior sheathing installed at the factory. Panels may also be “open” consisting only of the framing lumber or “closed one side” consisting of exterior sheathing applied to the framing members as the panel leaves the factory. The “open” and “closed one side” panels are finished on site at the time of the assembly. This type of construction offers flexibility for installation on urban sites where access to the rear of the property may be restricted.

The names and addresses of some of the manufactured home companies across Canada which produce units that may be appropriate for garden suites are included in Part 7.

6.0 THE OWNERSHIP AND INSTALLATION OF GARDEN SUITES

A property owner can purchase and install a garden suite. The common approach, however, has been for the garden suite to be owned and installed by a third party, such as a provincial housing ministry, department or agency, or a non-profit or co-operative housing organization. It is also possible for these units to be owned and installed by their manufacturers or a manufactured housing dealer and sales agent. In all cases, the garden suite is made available on a rental basis to the owner of the property on which it is to be installed.

The terms and conditions governing the use and occupancy of the garden suite are covered by various combinations of agreements, licenses, permits or leases, entered into between the host family, the occupants, the supplier of the unit and the municipality. These documents cover such matters as: siting; servicing; access; parking; compliance with building and zoning by-laws; identification of occupants; removal if occupancy by stipulated individuals is terminated; restoration of the property following removal of the unit; mutual obligations for maintenance and repair by occupants and host family; compatibility of unit design with the host family dwelling; and, periodic monitoring of the use and occupancy of the unit. Sample documents are included in Part Five of this Guide.

As long as there is sufficient space on a property, garden suites can

Figure 4

An Ontario Demonstration Project garden suite under construction in the factory and one module on a flat bed trailer ready for transportation to its site.



be installed if there are no severe topographic or other unusual site-specific constraints. Units can most easily be installed on large rural or urban lots where there is ample space to manoeuvre the unit into position in the side or rear yard space. In urban settings, corner lots or lots abutting rear laneways can most readily accommodate garden suites. In mid-block where there is no rear lane or insufficient space in side yards to move the unit in whole or in component parts into the rear yard, a garden suite can still be by hoisted with a crane over the house



Figure 5

The modules of an Ontario Demonstration Project garden suite being placed into position.



or attached garage into the rear yard as is shown in Figures 6 and 7. Alternatively, panelized component units may be used, since the costs associated with the use of cranes, including insurance coverage, can be quite high.

Figure 6

One module of an Ontario Demonstration Project garden suite being put in place with a crane



7.0 THE COSTS OF GARDEN SUITE INSTALLATIONS

The costs of garden suites installed as demonstration units across Canada to date have varied with: the type and design of the unit; the distance from the manufacturing plant to the installation site; the type of foundations, skirting, decks, steps and ramps; and whether they are hooked in to the municipal services of the host dwelling or to well and septic tank installations. The range of costs is summarized in Table 3. These costs are intended only to provide an indication of the range of costs, as derived from demonstration project installations during 1989.

Table 3 indicates the range of capital, installation and operating costs likely to be associated with the installation of a garden suite. Included are the monthly carrying costs that would be involved in financing these costs, at an interest rate of 8 percent, amortized over 25 years.

It should be noted that additional costs for permits as well as levies and development charges, will be one-time costs that must be borne by the applicant. In addition, during its life expectancy of 25 years, a garden suite may be relocated as many as three times. Each deployment will involve removal and site restoration costs likely to be in

Figure 7

One of the Alberta Demonstration Project garden suites as it is in place in Lethbridge.



the range of \$5,000 to \$9,000. Those costs may be factored into monthly rental charges, or will have to borne as one-time lump sum expenditures by garden suite users.

Allowances would also be added for managing the lease, refurbishing the garden suite after it is relocated, making up for any time that the unit remains unused and profit. Those items could add an additional \$150.00 to \$200.00 to the monthly carrying costs. Under those circumstances, the monthly rental costs would be as follows:

By comparison, monthly rates range from \$400 to \$700 for one-



bedroom seniors apartments; \$1440 per person for semi-private and \$1750 per person for private nursing home rooms; and \$1600 per person for semi-private and \$2250 per person for private retirement home accommodation. These rates vary with locality and size of the residential units.

8.0 ISSUES RELATED TO THE DEPLOYMENT OF GARDEN SUITES

With the exception of unknown numbers of garden suites independently installed by individuals, and mobile homes in rural New Brunswick used as accessory dwellings by relatives of persons living in a house on the same property, all of the garden suites installed across Canada to date have been deployed within the framework of government-sponsored demonstration projects. These garden suites have been owned by a housing agency and leased to host families and

Table 3
*The Range of
Garden Suite Costs*

COST ITEM	RANGE OF COSTS (\$ (1989)
1. Capital Cost of the garden suite	30,000 to 40,000
2. Installation (including: site preparation and foundations; transportation; services; skirting, porches, steps and/or ramps; walkways and other site works)	7,500 to 15,000
3. Sub-total Capital and Installation Costs	37,500 to 55,000
4. Monthly carrying costs (8% amortized for 25 years)	286.21 to 419.77
5. Monthly Operating Costs:	
(a) property taxes	20.00 to 30.00
(b) insurance	15.00 to 25.00
(c) utilities	55.00 to 75.00
(d) maintenance	40.00 to 60.00
6. Total Items 4 and 5	416.21 to 609.77

occupants. The agency has assumed responsibility for controlling and monitoring the occupancy, installation, maintenance and removal of these garden suites.

As the concept becomes more widely accepted, the number of privately owned non-government funded units is expected to increase. Municipalities will then have to become more directly involved in the approval, control and monitoring process. The review of the provincial and territorial legislation relating to land use planning and development

COST ITEM

RANGE (\$)

(a) Capital, Installation and Operating Costs	416.21 to 609.77
(b) Administration, Refurbishing, Profit and Vacancy Allowance	150.00 to 200.00
Total Full Recovery Monthly Rental	566.21 to 809.77

control, set out in Part Four of this Guide, reveals that municipalities across Canada have the ability to adequately control the deployment and use of garden suites through the exercise of their planning and zoning powers. Some of the issues that have to be confronted in the exercise of those powers are set out in the following paragraphs.

8.1 Neighbourhood Compatibility

The units installed to date all appear to incorporate design features — materials, colours, siting, access, and parking provisions — that ensure their integration into, and compatibility with, the neighbourhoods in which they are situated. Municipalities, within the constraints of their enabling planning legislation, may wish to exercise some degree of control over these matters during their approval process.

8.2 Community Acceptance

Garden suites installed to date do not appear to have negative effects on the use and enjoyment of adjacent properties. In all cases, any reservations related to their possible impact disappeared shortly after

the garden suites were installed and occupied. There has been a very high degree of community acceptance of the units and their occupants.

Parts Two and Three of this Guide outline informal meeting and communication techniques that can be used by municipal approval authorities and property owners wanting to install a garden suite. These techniques will serve to enhance the understanding of the role and function of garden suites and, therefore, contribute towards a greater level of community acceptance.

8.3 Property Values and Municipal Tax Assessment

One of the fears of adjacent property owners is that the installation of a garden suite might result in a devaluation of their property. As part of the Ontario Demonstration Project Portable Living Units for Seniors, a study of surrounding property values was conducted for four garden suite installations. Results revealed that the installation of the suites did not in any way affect the value of nearby properties. In addition, interviews with neighbours revealed that the presence of the garden suites did not interfere with the use and enjoyment of their property.

Unless special legislation is enacted, a garden suite is regarded in most municipalities to be an improvement to the property and results in an increase in its assessed value as long as the garden suite is in place. A garden suite installation, therefore, will result in an increase in the realty taxes payable on the property.

Given the temporary nature of a garden suite, it may be classified as a chattel rather than an improvement. In such cases, the assessed value of the property is not affected. Instead, the unit is licensed and a licence fee is levied by the municipality. In most instances, however, the garden suite will result in an increase in the assessed value and property taxes.

Some host property owners may be eligible for relief from increased property taxation under existing programs for tax exemptions for improvements undertaken to accommodate an elderly or disabled person who would otherwise require some type of institutional care. Garden suite occupants in Ontario who meet the eligibility criteria of the Ministry of Revenue may qualify for a property tax exemption under

that province's program for the Disabled and Seniors in the Community.

8.4 Public Sector Economies

Providing institutional care for seniors can involve significant expenditures for all levels of government. For example, in one regional municipality in 1991, 18 percent of the annual budget for health and social programmes was allocated for institutions providing housing for the elderly. The region and the province together contributed \$21,350,078 for such housing for elderly persons, who accounted for only .24 percent of the region's population. It is apparent that any increase in the number of elderly persons to be housed in institutional settings will result in significant additional expenditures.

Accommodating seniors in garden suites can result in substantial savings in public expenditures since the housing and care costs are largely borne by the individuals themselves in conjunction with their host family.

8.5 Compliance of Garden Suites with Building Codes

All manufactured housing units must be fabricated in compliance with the requirements of the National Building Code of Canada under the certification provisions of Canadian Standards Association (CSA) documents A277 for modular housing or panelized component housing, and Z240 National Standard of Canada for mobile homes. These are all consistent with the provisions of provincial building codes as well. Special municipal building by-laws to deal specifically with the construction standards for garden suites, other than possible provisions for barrier-free access are, therefore, not required.

8.6 Compliance with Planning Policy Documents

The general policy provisions in municipal planning policy documents relating to areas designated for residential uses usually provide sufficient interpretive latitude, flexibility and discretion to allow for garden suite installations. Where this is not the case in a municipality's planning policy document, it must be amended appropriately before garden suite installations can be permitted. This is particularly important

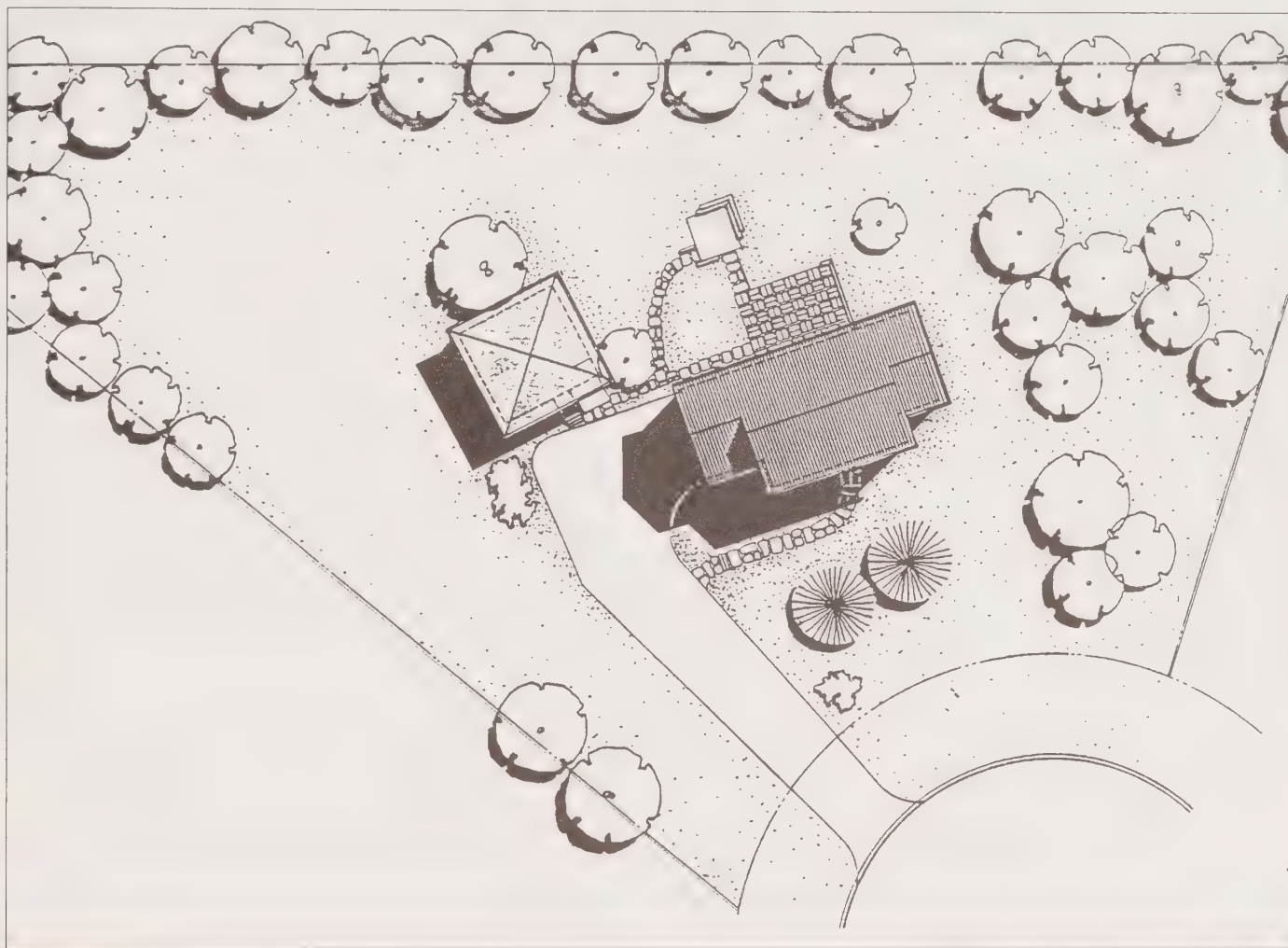
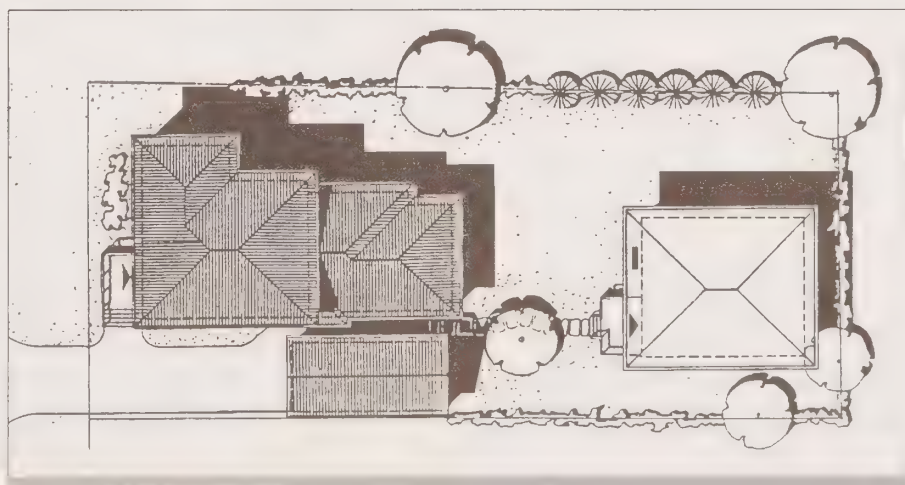


Figure 8

Garden suites installed during the Ontario Demonstration Project on a large suburban and restricted urban site in Waterloo



where garden suites cannot be installed until zoning by-laws are amended because virtually all provincial and territorial planning legislation requires conformity between planning policy documents and zoning by-laws and amendments to them.

This matter is fully dealt with in parts Four and Five of this Guide.

8.7 Compliance with Zoning Regulations

Most existing municipal zoning by-laws do not include garden suites as uses permitted as-of-right in any of the residential zone categories.

Siting provisions and performance standards applicable to the temporary placement of a garden suite on a property as an accessory dwelling are, therefore, not generally included. Appropriate definitions, regulations and standards specifically related to garden suites must be incorporated in zoning by-laws as amendments. This can be done on a generally applicable or site-specific basis. Parts Four and Five of this Guide deal with this matter.

8.8 Complexity of the Approvals Process

Because municipal by-laws do not usually provide for additional independent dwelling units on properties where there is already a permanent house, new approval procedures may be required for garden suites. Those procedures will vary in the provinces and territories, depending upon the provisions of relevant enabling legislation, and may also vary between municipalities within a province or territory.

Local attitudes toward the installation of garden suites also may vary for specific neighbourhoods. Individuals without prior experience or knowledge of the municipal zoning approval process may find it burdensome and time-consuming. For these reasons, it is extremely important for applicants seeking approval for a garden suite to obtain local community acceptance through appropriate dialogue with neighbours, municipal representatives and administrative personnel.

Conversely, it is important for municipalities to make their expertise available to applicants to familiarize them with the approvals process and to institute procedures that facilitate their installation while

maintaining control. Parts Two and Three of this Guide will assist in that regard.

8.9 Monitoring Occupancy and Removal

Garden suites are intended to be occupied by individuals who meet specific age or disability eligibility criteria. They are installed as temporary accessory dwellings for those occupants only and should be removed when no longer required by the stipulated occupants.

Where the garden suites are erected by a housing agency, it automatically assumes responsibility for monitoring the occupancy and timely removal of the unit. Where garden suites are deployed through the private sector, however, the enforcement of occupancy and removal requirements becomes the responsibility of the municipality. Even where a public sector agency assumes the monitoring role, the municipality retains ultimate responsibility for ensuring that occupancy restrictions are not violated and that the unit is removed when it is no longer required by the stipulated occupants.

Parts Three and Four of this Guide provide guidance on this matter.

8.10 Occupancy Limitations and Human Rights Legislation

Limiting the occupancy of garden suites to persons 65 years of age or older, or those with a disability, raises the question of whether such action is discriminatory and therefore in contravention of provisions of the federal Charter of Rights and Freedoms and provincial human rights legislation. However, Section 15(2) of the Charter allows laws, activities and programs that aim to ameliorate conditions for disadvantaged individuals or groups. In the case of garden suites, it can be argued that many people are disadvantaged by age or disability in terms of access to appropriate, affordable housing and support services.

Similarly, federal and provincial human rights codes and protection acts also allow age or disability as a qualification for preferential treatment of an otherwise potentially disadvantaged group. Under these provisions, special programs, plans or arrangements are generally not regarded to be a discriminatory practice if they ameliorate housing

disadvantages of any group of individuals as a result of age or disability.

Limiting the occupancy of garden suites to relatives of the host family could be considered discriminatory and could fail a court challenge. This might be avoided, however, if express language is present in the authorizing policy documents to create classes of occupants entitled to reside in garden suites, based upon their age or disability and relationship to members of the host family.

8.11 Landlord-Tenant Relationships

Landlord and tenant legislation may be applicable to the contractual relationship between the host family and the occupants of the garden suite. Such acts are under provincial jurisdiction and vary from province to province. There is a remote possibility that conflicts will occur with respect to the rights and obligations of garden suite occupants, as tenants, and host families, as landlords in relation to the more conventional situations of landlords and tenants. Given that in the garden suite context the Landlord and Tenant will be related, it is less likely that serious conflicts will arise than is the case in more conventional landlord and tenant situations.

The Complete Guide to Garden Suites (NHA 6853) consists of eight parts:

- 1) **The Garden Suite Concept**, NHA 6855
- 2) **Information for Occupants, Host Families, Owners and Suppliers**, NHA 6857
- 3) **Guidelines for Municipal Approval**, NHA 6859
- 4) **Provincial and Territorial Planning Act Provisions**, NHA 6861
- 5) **Sample Implementation Documents**, NHA 6863
- 6) **Examples of Installed Garden Suites**, NHA 6865
- 7) **Information Sources**, NHA 6867
- 8) **References**, NHA 6869

To order copies of any or all parts of **The Complete Guide to Garden Suites**,

call 1-800-668-CMHC (1-800-668-2664) ext. 2521

Please specify titles and NHA numbers.



 PART TWO:

INFORMATION FOR OCCUPANTS, HOST FAMILIES, OWNERS AND SUPPLIERS



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PART TWO:

INFORMATION FOR OCCUPANTS, HOST FAMILIES, OWNERS AND SUPPLIERS

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*Information for Occupants, Host Families, Owners and Suppliers
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NHA 6853.*

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disponible séparément sous le titre : Renseignement à l'intention des
occupants, des familles hôtes, des propriétaires et des fournisseurs,
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PART TWO:**INFORMATION FOR OCCUPANTS,
HOST FAMILIES, OWNERS AND SUPPLIERS**

1.0 PURPOSE

This part of this Guide has been prepared to help interested seniors and host families decide whether they should pursue the garden suite option, and learn what is involved in obtaining such a dwelling. It is also intended as a guide for businesses, non-profit corporations and public sector housing organizations interested in owning, providing and managing garden suites.

2.0 INITIAL STEPS AND CONSIDERATIONS**2.1 Municipal Approval**

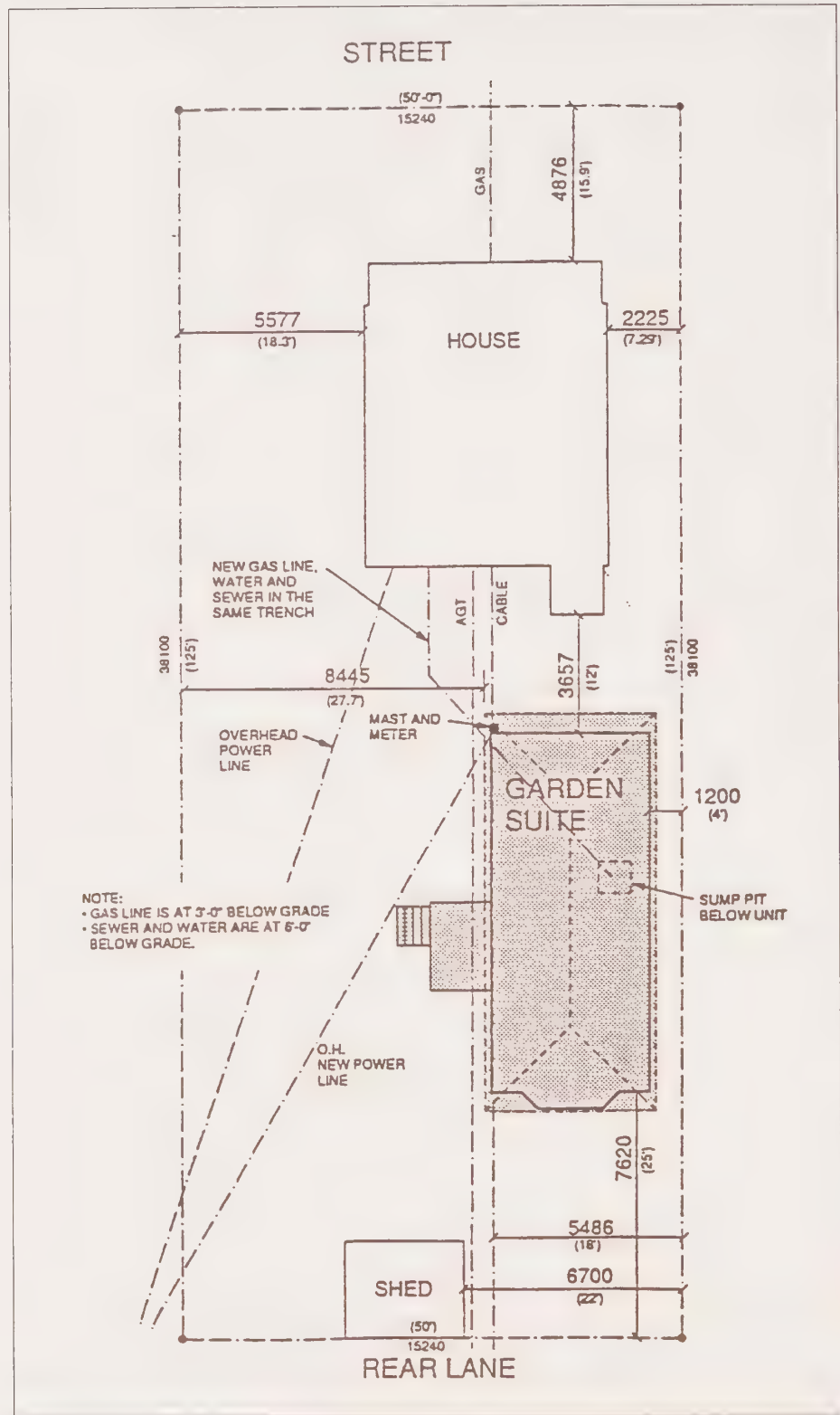
Interested seniors and families must first determine if their municipality will allow them to place a garden suite in their yard. Municipal approval for garden suites may require a land use regulation (zoning by-law) amendment or discretionary use development permit application process. The prospective applicant should contact the municipal planning or building department for advice on the procedures to be followed. When making enquiries it will be necessary to have a plan of the property on which the garden suite is to be installed. While the plan should be as accurate as possible, a freehand sketch will suffice for the initial investigations if a drawing prepared by a surveyor, architect or engineer is not available.

The plan must show: the dimensions of the property; the size and location of all buildings and structures on it; the location of any major trees in the rear or side yard area where the garden suite might be placed; the location of any underground gas, sewer, water or hydro lines; and, the location of any easements across the property. For sites in rural areas without municipal water and sewer facilities, the locations of wells, septic tank and tile bed installations are important. Property plans and air photos may be available from the municipality. These can be very useful in the initial review of the feasibility of installing a garden suite on a specific property.

Garden suites are usually connected to the water, sewer, electrical and gas lines serving the permanent host dwelling on the property. It

Figure 1

Site plan of a garden suite installed in Lethbridge during the Alberta Garden Suite Demonstration Project.



will be necessary, therefore, to show the location of all existing services and utilities on the sketch plan. This is particularly important for corner lots when the garden suite is to be installed in a side yard where underground services and utilities may be situated. It is also possible that certain services to the house may come from a rear lane or utility easement at the rear of the property. For these reasons, the location of these services and utilities should be established during the initial enquiries. There will be drawings available from the municipality with that information.

Garden suite units are usually available as prefabricated dwellings from manufactured home companies. They can vary in shape and size. Examples are included in Part Six. In general, however, they will fit in an area of approximately 9 metres by 12 metres. There must be an unencumbered space of about that size, plus additional space for landscaping and the outdoor use of the occupants of the garden suite and of the host dwelling.

In order to obtain approval, the applicant must own the property on which the unit will be placed. Municipalities will likely want to know who will occupy the unit, and approval will be valid only as long as the persons named occupy the unit. The municipality may check the unit periodically to ensure that the approved persons are occupying it, or require the owner to provide information to that effect on an annual basis. In some instances, approval will be subject to renewal.

Another consideration is whether restrictive covenants are attached to the applicant's property which could prevent placement of a garden suite. These could include architectural or other restrictions to preclude placement of a second unit on a property. The municipality can provide advice in this matter, or prospective applicants can check the records of the appropriate land registry office.

Attitudes and opinions concerning the appropriateness of garden suite installations are quite divergent. For this reason, it is advisable for any property owner who is considering such an installation to discuss the matter informally with all other property owners in the immediate vicinity, before applying to the municipality.

Municipal approval will require that the garden suite complies with

the siting requirements of the zoning by-law. There may already be as-of-right provisions and siting standards in existing zoning by-laws. Alternatively, applications may be dealt with on a site-specific basis, with separate siting standards defined for each property on which a garden suite is to be installed.

2.2 Garden Suite Availability and Terms

Interested seniors and families must investigate whether garden suites are available in their area and what the conditions are for getting one.

Various arrangements for acquiring garden suites are possible, including the ownership of the unit by the property owner or the leasing of a unit from a third party.

The leasing option is advantageous because it eliminates the capital cost of purchasing the unit. It also avoids the difficulty of disposing of the garden suite when it is no longer needed by the occupants. This is an important consideration because the garden suite usually must be removed once it is no longer needed or occupied by the stipulated occupants. Under such an arrangement, the third party owns and maintains the unit. Monthly rental rates cover the cost of occupancy and may also cover installation and eventual removal costs, but these items can be negotiated separately.

Third party owners and operators of garden suites may be either private sector businesses, public sector organizations or non-profit organizations.

Private sector businesses can include garden suite manufacturers and registered manufactured housing dealers.

Public sector organizations include provincial and municipal housing organizations.

Non-profit organizations which can own and lease garden suites include seniors' societies or community clubs or any other private non-profit or charitable groups.

Where garden suites are provided under a government housing program, either through a public sector or non-profit organization, rents may be subsidized if warranted by the occupants' income.

Sources of information about the availability of garden suites are

included in Part Seven of the Guide.

2.3 Key Responsibilities of Garden Suite Owners and Host Households

Whether a garden suite unit is owned by a private or public sector agency, a lease agreement between the host family and the owner of the unit is required. The agreement should specify responsibilities of the parties involved as follows.

2.3.1 Unit Owner Responsibilities

The unit owner is usually responsible for placing the unit and installing the required municipal services in the manner generally described under Placement Procedures (see Section 3.0.3 in Part Two), and in accordance with all municipal by-laws and conditions.

The unit owner is responsible for major maintenance, repair and upkeep of the unit.

The unit owner is responsible for removing the unit once the lease is terminated and, depending upon the terms of the lease, for capping services and restoring the site in the manner generally described under Removal Procedures (see Section 3.0.4, Part Two of this Guide).

The unit owner, if a third party, is responsible for periodically checking the unit to ensure that it is occupied by the intended occupants.

2.3.2 Host Family Responsibilities

The host family is responsible for ensuring that no buildings, structures, or plants are placed in such a manner that they prevent the eventual removal of the unit.

The host family is responsible for maintaining the unit, porch steps and area surrounding the garden suite in a neat, clean and sanitary manner in compliance with the property standards of the municipality.

The host family is responsible for ensuring that the unit is occupied only by the persons approved by the municipality and stipulated by the lease agreement for the garden suite.

The host family is responsible for paying all utility charges and municipal taxes, permit or licence fees arising from the use and

presence of the garden suite.

2.3.3 Joint Unit Owner and Host Family Responsibilities

The unit owner and host family will jointly be parties with the municipality to any agreements, licences, permits or affidavits that the municipality requires as part of its approval for the installation of the garden suite.

Once interested households and prospective occupants have determined if their municipality will consider the placement of a garden suite and if one is available, they must consider some of the practical details of obtaining approvals and necessary permits and licences, securing a unit and placement details.

The following check list will help prospective applicants and garden suite suppliers to determine whether to proceed with an application for a garden suite installation.

2.4 Check List of Considerations for Host Families and Garden Suite Suppliers

CHECK LIST

- | | |
|--|--|
| <input type="checkbox"/> Do the potential occupants need care and support? | <input type="checkbox"/> Does the host family live in the host dwelling? |
| <input type="checkbox"/> Can the host family provide the care and support needs of the occupants? | <input type="checkbox"/> Does the host family include a child, grandchild, or close relative of the potential occupants? |
| <input type="checkbox"/> Are community-based services available to complement the informal care of the host family? | <input type="checkbox"/> Will a garden suite fit on the site? |
| <input type="checkbox"/> Do the prospective occupants want to live in a garden suite in the yard of the host family? | <input type="checkbox"/> Are there any special site constraints that will preclude a garden suite from being installed? |
| <input type="checkbox"/> Does the potential host family own a property with a yard large enough to accommodate a garden suite? | <input type="checkbox"/> Will the municipality permit garden suites? |
| | <input type="checkbox"/> Is a garden suite unit available in the area? |
| | <input type="checkbox"/> Is the host family willing to enter into a lease agreement with the owner of the garden suite? |

3.0 MUNICIPAL APPROVAL AND DEVELOPMENT PROCEDURES

3.1 The Development Approval Process

3.1.1 Making an Application

If a garden suite can be installed on the property and units are available, it will be necessary for the property owner (host family) to submit a formal application. Some municipalities have land use control regulations in the form of official, municipal, community or development plans and zoning by-laws that do not permit the installation of a second free-standing dwelling, such as a garden suite, on a property that already has a house on it. In these instances it will be necessary to submit applications for amendments to, or exemptions from, the provisions of existing municipal regulations.

When the formal application is filed with the municipality, an accurate property survey and site plan drawing will be required. The supplier of the garden suite will normally provide assistance in preparing those drawings.

Municipalities will need to know the names, ages, and any disabilities of the prospective garden suite occupants, their relationship to the host family and the support services they will receive from the host family. This is to ensure that the garden suite will be used for its intended purpose. While the property owner is responsible for making the application for approval of a garden suite installation, the leasing agent (garden suite owner) may help complete it.

Once a completed application is submitted to the municipality, it is reviewed for approval. As part of this process, many municipalities may suggest that an informal public information meeting or 'tea party' be held with neighbours in addition to any statutory public hearings that must be held. Any local concerns respecting the unit and its potential impact on adjoining properties or on the neighbourhood can be discussed at that time.

3.1.2 The Review and Approval Process

The procedures for reviewing a garden suite application are prescribed by provincial or territorial legislation and are similar in all municipalities.

After reviewing the application, the municipality may approve the application, grant approval with conditions attached, or refuse it if the garden suite cannot be accommodated in a satisfactory manner. As part of any approval, the documents will identify the garden suite occupants along with the host family. One condition for approval could be that the municipality can periodically check the unit to ensure that it is occupied by the stipulated persons and can order the removal of the unit if it is not. In some jurisdictions, the approval will be valid for only a stipulated length of time, and it will have to be reviewed for renewal if occupancy of the garden suite is to be extended. The procedures for such a review will be stipulated by the municipality.

Once approval is granted, the municipality may require other permits, such as a building, plumbing or electrical. The party responsible for carrying out the work will assist the property owner in obtaining the required permits.

Following approval of the application, the municipality may issue a permit or licence or enter into an agreement with the property owner. These documents will be accompanied by a site plan which reflects specific development standards regarding such items as setback requirements from lot lines, minimum separation distances from other buildings or structures on the same property, possible additional parking spaces, the location and type of privacy screening and landscape buffering for adjacent properties, the maximum height and gross floor area of the garden suite, and any other terms and conditions of relevance to its use and occupancy. These will usually include provision for a performance bond to cover costs that may have to be incurred by the municipality to remedy any failures of the property owner or garden suite owner in fulfilling their obligations under the approval granted by the municipality.

The agreement between the supplier of the unit and the property owner may be subject to the approval of the municipality and will usually be appended to, and form part of, the agreement between the municipality and the property owner.

Once the municipal approval has been granted, the agreements executed, and the necessary permits and licences have been issued,

site preparation and installation can commence. Occupancy of the garden suite will not be permitted until a final inspection has been undertaken by the appropriate municipal personnel. In most instances, an occupancy permit will be required before the stipulated individuals can move into the garden suite.

The time required for the processing of an application for the installation of a garden suite will depend upon the provisions of municipal planning documents and zoning by-laws. Garden suites may be permitted in the municipal plan and in the zoning by-law, or the municipal plan or special provincial legislation may enable discretionary development permits or licences to be issued. Under these circumstances it should be possible to process a garden suite application within 30 to 60 days.

In some instances, garden suites may be permitted in the municipal plan but each application may require an application for a site-specific amendment to the zoning by-law. Under these circumstances the approval process can take from 90 to 120 days.

Where the municipal plan does not provide for garden suites, and there is no other special provincial legislation enabling their installation, applications will have to be processed for amendments to both the municipal plan and the zoning by-law. This process can occupy from 120 to 180 days. Note that where municipal plan or zoning by-law amendments are required, objections can usually be filed for a hearing before special administrative tribunals, the Council or the appropriate provincial minister. If there are objections the approvals process can take from six months to well over a year.

3.2 Siting Guidelines for Garden Suites

Siting guidelines for garden suites vary depending upon local municipal by-laws and whether the unit is placed on an urban, rural or semi-rural property. Setbacks from property lines and other buildings for fire safety are the main concern of municipalities.

Many urban lots are large enough to accommodate a garden suite unit in the backyard. Certain site-specific conditions may either prevent placement of a unit or restrict how the unit is placed on the property.

Examples include the topography or slope of the land, the location of natural gas lines, large trees, and ancillary buildings, particularly garages, and the location of buildings on adjacent properties. These site-specific features must be shown on a site plan to determine how the unit can best be located on the property.

It is important to consider access to the unit from the host dwelling and how the unit will affect yard amenity space. If possible, the unit should be easily accessible and visible from the host dwelling for convenience and safety reasons. Its placement should allow some usable yard space as well as visibility to and from the street.

Setbacks from buildings and adjacent property lines will vary according to local municipal by-laws. The following basic rules should be considered when determining how to site a garden suite unit.

- (a) The unit should not be located in the front yard, except on large rural lots where this may be acceptable.
- (b) The unit must be placed in accordance with the setback requirements of the local land use by-law.
- (c) The unit must be placed in accordance with the minimum separation distance from other buildings to conform with the land use by-law and the Provincial Fire Code.
- (d) The unit must not be placed on a gas line, or interfere with the operation of a septic tank and tile bed installation.
- (e) The unit should not be placed on any easements.
- (f) The unit should be placed so as to minimize shadows on adjacent properties.
- (g) The unit must not contravene any restrictive covenants which may be registered against the property.
- (h) Parking for the occupant's car should be conveniently located, preferably on the same property but there may be instances where on-street parking is acceptable or where no additional parking is needed because the garden suite occupant does not drive a vehicle.
- (i) A walkway should be provided to connect the unit to the host dwelling.

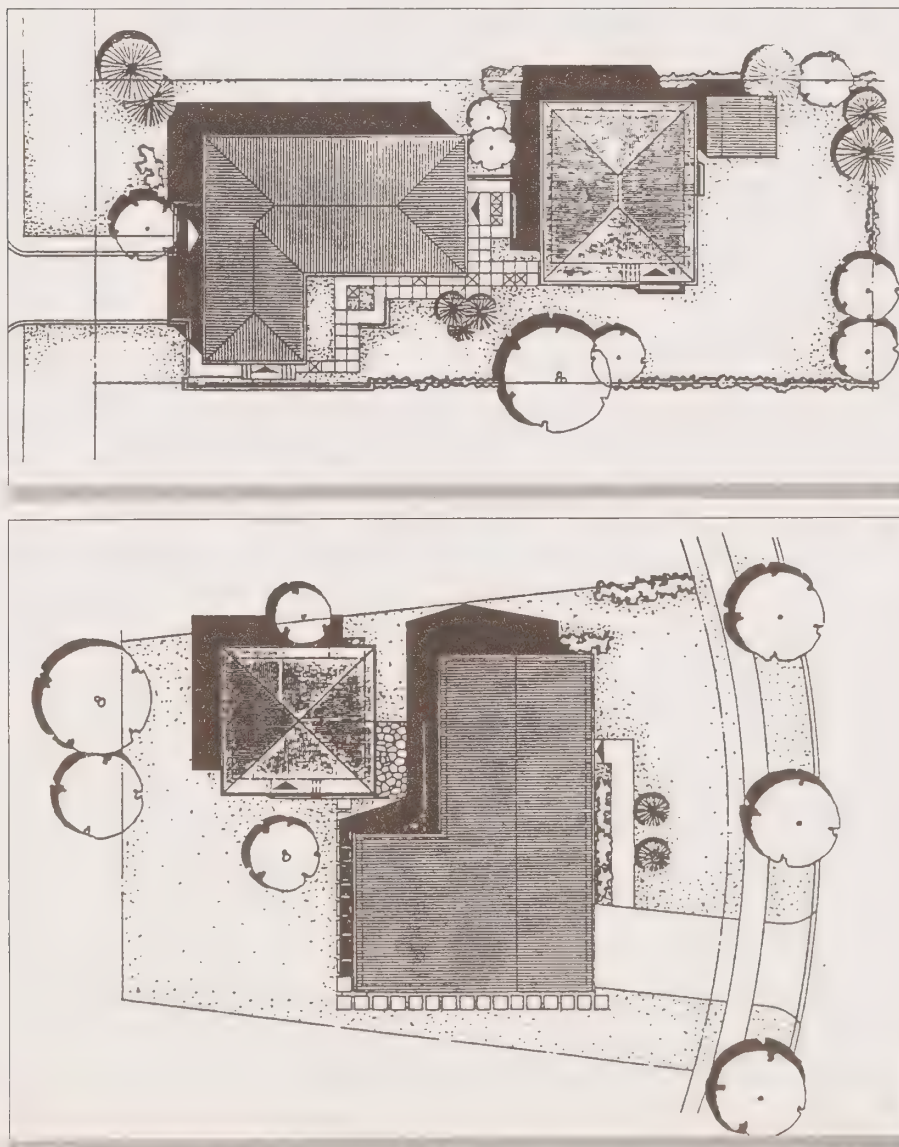
- (i) The site should be graded to avoid ponding under or around the garden suite.

Applicants may wish to discuss unit siting with their neighbours when preparing a sketch plan of how the unit can best be placed. Their cooperation at the start of the application process may prevent later problems in obtaining municipal approval.

Applicants should also discuss unit placement with the supplier or agency providing the unit since certain elements such as power lines, trees and existing buildings may affect delivery, location and installation.

Figure 2

Site plans of garden suite installations on two suburban sites in the Ottawa region during the Ontario Demonstration Project. Both required the use of cranes because of narrow sideyards and the absence of rear lanes.



Because of their large size, virtually all rural and semi-rural properties can easily accommodate a garden suite unit. Where the garden suite may be visible from the property of a neighbour, applicants may wish to discuss the siting aspects with that neighbour to prevent any later problems in obtaining municipal approval.

An important consideration on any rural or semi-rural property concerns access to water and sewer. Garden suites are usually hooked into the services for the host dwelling by means of connecting lines to the unit in an underground trench. The greater the distance from the host dwelling, the more expensive these connections will be.

In some instances, accommodating a garden suite may require improvements to septic tanks or tile beds. This should be investigated with appropriate officials during initial enquiries about the feasibility of installing a unit. It will be necessary to ascertain the operating efficiency of the existing system and to determine the likelihood of a system malfunction if a garden suite is connected to it. Factors that are of relevance include: the original design specifications and features of the system; the condition and operation of the septic tank and tile field; and, the age, soil type, intensity of use and frequency of maintenance.

In general, the connection of a garden suite to an existing septic system will not constitute a problem if the design capacity of the field and the current occupancy of the host house meet established requirements of field length per room, or persons, or both.

Septic system malfunction resulting from the connection of a garden suite are almost impossible to predict because there is no reliable methodology for accurately determining the condition of an existing septic system. As a safeguard against system malfunction, it may be appropriate to introduce water conservation measures in the garden suite and host family dwelling as well as routine maintenance procedures.

Where garden suites are to be connected to existing septic systems, the municipality may require the host family to enter into an agreement providing for the use of water conservation measures, routine periodic maintenance and inspection, and an undertaking to complete whatever remedial work may be required if the septic system malfunctions.

3.3 Placement Procedures

The process of placing a garden suite unit involves the following activities:

- preparing the site,
- placing the unit,
- servicing the unit, and,
- restoring the site.

It is very important to define areas of responsibility for each of these activities before beginning any work.

Under the normal leasing arrangement, the garden suite owner is responsible for site preparation, garden suite placement, servicing and site restoration, as well as for assisting the property owner in ensuring that appropriate permits are obtained. The costs of these activities can be part of the rent or negotiated separately. If garden suites are leased under a government housing program, the rental costs may include all placement activities.

3.3.1 Preparation of the Site

Depending upon local soil and drainage conditions, placement of a garden suite unit may require that a foundation or a pad be prepared. Prepared pads are made up of compacted sand and gravel and their depth depends upon soil stability. Manufactured home dealers or agents are generally competent in assessing local conditions and determining the appropriate approach for unit placement.

Another important consideration in preparing the site for the unit is to ensure that it is properly graded to avoid ponding around or under the unit. The potential for ponding should be considered at the time that detailed site plans are being prepared. Downspouts from eavestroughs may have to be extended away from the unit to ensure proper drainage.

3.3.2 Placing the Unit

A garden suite unit is usually transported to the site on a flat bed trailer. In most rural and semi-rural locations, it can be placed on site in much the same manner as a standard manufactured or prefabricated home

unit. The unit is rolled off the flat bed onto cribbings (timber frames designed to support the garden suite) which are placed either on the prepared pad, or directly on the ground, depending upon local soil conditions. Such locations present few obstacles, such as overhead wires, fences and structures. Where obstacles do exist, they can usually be avoided in the placement process.

In urban areas, rolling the garden suite unit directly off the flat bed onto the cribbings may sometimes be difficult or impossible because of garages, fences and vegetation, including large trees or hedges. Fences, however, can often be taken down and put back once the unit is placed. Nevertheless, where significant obstacles exist, and in laneless subdivisions, the unit may need to be hoisted into place with a crane, or garden suites of panelized construction may be employed.

Once the unit is placed and connected to services, it must be skirted. Skirting should reflect good trade practices and should be both aesthetically pleasing and generally compatible with the exterior colour of the host dwelling.

3.3.3 Servicing the Unit

The services required for a garden suite unit are:

- water,
- sewer,
- natural gas (where applicable),
- electrical,
- telephone,
- cable TV (optional).

Most of these services can be hooked directly into those of the host dwelling. Connecting lines between the host dwelling and the garden suite are placed in a deep common trench to avoid freezing, or in an insulated above-ground utilidor. Once back-filled, the trench can be covered with grass, or a walkway between the host dwelling and the garden suite can be installed. Utility meters are usually shared between the unit and the host dwelling, and the suite occupants and the host family can agree on shared costs. If necessary, the garden suite unit can be equipped with a sewage pump located in an insulated box

beneath the unit which can accompany the unit to its next location.

It may be necessary, or less expensive, to connect directly to municipal services and meter the garden suite separately. This will depend on site conditions and the requirements of the municipality and utility agencies.

All service connection installations must be supervised by licensed plumbers and electricians, and inspected and approved by appropriate municipal inspectors.

Telephone and cable TV connections to the unit are the only services which may not be included in the trench. They will most likely be the responsibility of the host family. The method for providing these connections to the unit will depend upon whether an extension line from the host dwelling or a separate line is required, and whether it is an urban or rural site. Local telephone and cable TV companies can provide advice on the available options, costs and procedures; telephone and cable connections should be considered by the host family before the other utilities are installed in case the lines can be conveniently placed in the common utility trench.

3.3.4 Restoring the Site after Unit Placement

Site restoration involves landscaping, the provision of walkways, and replacement of any fences once the unit is placed and the service hookups are complete. The extent of landscaping is discretionary and will have a bearing on the final overall cost of unit placement.

3.4 Removal Procedures

Unit removal involves three activities:

- removal of the unit itself,
- disconnecting all service connections, and
- site restoration.

3.4.1 Unit Removal

If the unit is owned by a third party, responsibility for this activity should be clearly stated in the lease agreement. Unit removal is the

responsibility of the owner of the garden suite.

3.4.2 Disconnecting the Services

The garden suite owner or the owner of the property is responsible for disconnecting the service connections. Licensed plumbers and electricians should supervise the work, and appropriate municipal permits are required to ensure that all utility lines are properly capped. As a precautionary measure, the gas line should be removed. The remaining service lines can be safely left in the ground. Telephone and cable TV companies will also need to remove their lines. Contacting these companies is the responsibility of the property owner.

3.4.3 Site Restoration after Unit Removal

Restoring the site after the unit is removed generally involves compacting, levelling and resodding the actual site. Fences may need to be put back in place and walkways removed and resodded. The extent of reclamation required and the party responsible for the work should be stated in the lease agreement.

The Complete Guide to Garden Suites (NHA 6853) consists of eight parts:

- 1) **The Garden Suite Concept**, NHA 6855
- 2) **Information for Occupants, Host Families, Owners and Suppliers**, NHA 6857
- 3) **Guidelines for Municipal Approval**, NHA 6859
- 4) **Provincial and Territorial Planning Act Provisions**, NHA 6861
- 5) **Sample Implementation Documents**, NHA 6863
- 6) **Examples of Installed Garden Suites**, NHA 6865
- 7) **Information Sources**, NHA 6867
- 8) **References**, NHA 6869

To order copies of any or all parts of **The Complete Guide to Garden Suites**, call 1 800 668 CMHC.

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PART THREE:

GUIDELINES FOR MUNICIPAL APPROVAL



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PART THREE:

GUIDELINES FOR MUNICIPAL APPROVAL

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PART THREE:**GUIDELINES FOR MUNICIPAL APPROVAL****1.0 OVERVIEW OF APPROACHES TO GARDEN SUITE
APPROVAL PROCEDURES**

This part of the Guide provides general guidelines for the municipal approval of garden suites. The guidelines are based upon a review of existing provincial enabling legislation, described in detail in Part Four, the approval processes used by municipalities which allow garden suite development, and the unique requirements resulting from the garden suite concept itself.

It is important to note that, in general, the existing regulatory instruments available to municipalities across Canada pre-date the garden suite concept and, as a result, may not be ideal for approving and regulating garden suites. In particular, these instruments may not recognize some of the unique features inherent to the concept itself, such as:

- its temporary nature;
- the perceived intrusion into a conventional single-family area;
- the degree of urgency to quickly respond to a change in the circumstance of a potential occupant; and,
- an appropriate definition of the housing form itself.

It is also important to note, however, that municipalities which have approved garden suites under a demonstration or pilot project have attempted to do so within the framework of their current regulatory provisions. In Alberta for example, approved garden suites have been issued temporary development permits pursuant to local land use or zoning by-laws. This ensures the periodic review and renewal of the permit. If circumstances have not changed the permit is automatically renewed, so that there is no need for the applicant to resubmit a new application. Most municipalities have provision for temporary use permits or by-laws.

Furthermore, to ensure that the garden suite is accepted by the neighbours and not perceived as unwarranted intrusions, affected municipalities both in Ontario and Alberta held neighbourhood 'tea parties', hosted by the applicants or host families as part of the approval process. These tea parties were a condition of approval.

Enabling legislation across Canada allows some mechanism for municipalities to impose such conditions on zoning or development permits.

The degree of urgency required to respond to rapid changes in the circumstances of potential occupants (such as loss of a spouse or sudden disability) has not been dealt with by any municipalities. However, as is the case with temporary uses and neighbourhood input conditions, municipalities generally have the flexibility within current enabling legislation to reduce the consultation and review process where appropriate.

The definition of garden suite housing itself may require some special consideration. Existing garden suites have generally been directly related to demonstration or pilot projects so that an appropriate definition has not been an issue. For regulatory (i.e. zoning) purposes, definitions of garden suite units which are not related to government sponsored projects must reflect the temporary, relocatable features of this housing form.

One approach which has been considered in Alberta is to define a garden suite as "a portable, self-contained, one-bedroom, manufactured (factory built) dwelling with a maximum floor area of 56 square metres, where such dwelling is located on the property of a pre-existing, single-detached dwelling and is accessory to the single-detached dwelling (is serviced through, and not independently from the single-detached dwelling)." A recent amendment to the Ontario Planning Act has resulted in a more generic definition wherein a garden suite is defined as "a detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable."

Occupancy restrictions have not been included in any of the regulatory definitions of garden suites since this may be seen as being discriminatory and, therefore, possibly in contravention of the Charter of Rights and Freedoms or provincial human rights legislation. However, as noted in Part One, special programs, plans or arrangements are not regarded as discriminatory if they ameliorate disadvantages of any group of individuals based on age, disability or

accommodation. The garden suite concept is one such arrangement and, therefore, is not discriminatory.

In spite of this position, some municipalities are concerned that if a definition of a garden suite includes occupancy restrictions, the entire regulatory instrument (i.e. the land use or zoning by-law) may be challenged under the Charter or provincial human rights legislation. One means of eliminating this possibility is to develop an official municipal policy specifically dealing with garden suites. Occupancy and other relevant restrictions can be included as part of this policy. The policy is then applied in approving applications for garden suites.

It is significant that Alberta's enabling legislation lends itself to the application of municipal policy guidelines in processing applications for development pursuant to a land use (zoning) by-law, in that such by-laws may define both permitted and discretionary uses in a given land use district (zone). The authority to approve and issue a development permit pursuant to the land use (zoning) by-law is vested in a development officer. In the case of an application for a permitted use, the development officer must approve the application and issue a development permit if the application meets all the regulations stipulated under the land use (zoning) by-law. In the case of an application for a discretionary use, the application is approved at the discretion of the development officer. The development officer, in applying this discretionary power, applies guidelines based on municipal policy in rendering a decision. The guidelines contained in a garden suite policy, therefore, can be applied when considering an application for a garden suite where this housing form is listed as a discretionary use in a conventional residential land use district (zone).

Although many provinces and territories do not allow for discretionary zoning, most by-laws are based upon community plans which reflect policies of municipal councils. In British Columbia, for example, the District of Surrey adopted a Secondary Suite Policy Area Map, pursuant to the zoning by-law, showing areas where secondary suites would be permitted. This policy was adopted in response to a need to provide for affordable housing options. Occupancy restrictions were not considered.

In the City of Vancouver, however, a similar policy resulted in an amendment to the zoning by-law to allow for secondary family suites. The occupancy conditions and familial relationships which apply to family suites are very specific.

In the case of both Surrey and Vancouver, responding to changing housing needs and providing viable options to meet those needs resulted in a departure from conventional single-family residential zoning practices and took precedence over the potential for any discriminatory issues which may arise. Both examples were undertaken within the framework of existing provincial enabling legislation and demonstrate a desire on the part of local municipal governments to deal with critical housing needs.

In Ontario, two recent legislative enactments will facilitate the installation of garden suites. Bill 120 incorporates amendments to both the Planning Act and Municipal Act specifically addressing garden suites with respect to the extension of the duration of temporary use by-laws and entering into agreements. Bill 163, which includes major revisions to the Planning Act, provides for the introduction of a development permit system that could be applied to facilitate and expedite the approval of garden suites.

Even without these changes to enabling legislation, the review of the current frameworks indicates that municipalities can promote and encourage the use of garden suites if they are prepared to explore the limits of their respective frameworks and take the initiative to investigate appropriate policies in their municipal planning documents, even if it means departing from the norm.

The guidelines contained in this Part of the Guide will assist municipalities in identifying a process for deploying and regulating garden suites. The framework of enabling legislation within which these guidelines can be applied is discussed in Part Four, and Part Five contains examples of the relevant regulatory instruments.

2.0 PREPARING FOR THE RECEIPT OF APPLICATIONS FOR GARDEN SUITE INSTALLATIONS

2.1 Existing Enabling Planning Legislation

Enabling legislation for the deployment of garden suites is available to municipalities through amendments to local zoning by-laws in all Canadian provinces and territories. Some provinces and territories also confer municipalities with discretionary powers, within the framework of their zoning by-laws, to permit uses such as garden suites without specific amendments to the by-law. In these provinces or territories, a discretionary permit or licence may be issued. Those provinces and territories which provide for such discretionary powers are Newfoundland, Manitoba, Saskatchewan, Alberta, British Columbia, the Northwest Territories and the Yukon.

Only in Manitoba and Alberta does provincial planning legislation restrict the number of dwelling units on a parcel of land to one. However, in both provinces local discretionary powers can allow additional dwellings on a single parcel pursuant to the municipal zoning or land use by-law. The deployment and control of garden suites in all provinces and territories, therefore, is largely a local municipal matter.

The legislative procedure enabling municipalities to accommodate garden suites at the local level is similar across Canada and entails first, conformity with the official or statutory municipal plans and, second, amendment of the zoning by-law.

2.1.1 Conformity with Municipal Plans

Municipal zoning by-laws must conform with the official or statutory plan, planning scheme or planning statement of a municipality. Municipalities contemplating amendments to their zoning by-laws to allow for placement of garden suites, therefore, must first ensure that such amendments conform to the intent of the municipal plan.

Most municipal planning documents comprise broad flexible policy statements. While these are unlikely to preclude the implementation of garden suite development in low density residential areas. Very few

specifically provide for garden suites now, however. In fact, such policies are often deliberately structured to be flexible so that municipalities can deal with a diverse range of more detailed zoning and other related issues, such as placement of garden suites, without having to amend the municipal plan. Where such placement would clearly not conform with the intent of the official municipal plan, particularly as it relates to matters of density, the legislation requires that the plan be amended accordingly.

2.1.2 Zoning By-law Amendments

Provincial and territorial legislation across Canada enables municipalities to adopt zoning or land use by-laws which divide the municipality into zones or districts for the purpose of controlling the type and form of land use and development. Specific standards regulating land use and development within zones are an integral part of zoning by-laws. Although the legislation may vary as to the specific items regulated by zoning by-laws, most legislation allows by-laws to include standards regulating use, density, site coverage, setbacks, minimum yard space, parking, building height restrictions and floor area ratios. Some by-laws include landscaping and architectural standards. Municipalities interested in accommodating garden suites, therefore, can amend their zoning or land use by-laws to permit and control, through site-specific by-laws, permits or licences, the form of such development in conventional low density, single family residential zones.

Except in the Northwest Territories, enabling legislation allows municipalities to impose certain zoning-related conditions particularly relevant to garden suite installation. Examples include conditions regarding time limitations on temporary development, building removal requirements, occupancy guidelines and the posting of bonds or securities to cover municipal costs which may be associated with the installation or removal of garden suite units. Often these conditions are part of a rezoning approval, agreement, permit or licence. Except in the Northwest Territories, all provincial and territorial legislation enables municipalities, as part of the zoning approval process, to issue

development permits or licences, enter into agreements, or both. There is ample provision, therefore, for municipalities to allow for, and control, the deployment of garden suites.

For the unincorporated areas of most provinces and territories, the minister, or a designate, is empowered to exercise the same land use and development control as is provided municipalities through zoning by-laws. In these areas, therefore, garden suites also can be deployed and controlled.

2.2 Options for Municipal Approval of Garden Suites

As was noted in Section 1.1, and depending upon the provincial or territorial enabling legislation, municipalities can exercise discretionary powers to approve garden suites, or amend their zoning by-laws to allow for such development, or adopt both approaches. The options available to municipalities in each province or territory are described in detail in Part Four of this Guide.

2.2.1 The Use of Discretionary Powers

Applications to install garden suites can be dealt with most expeditiously on a site-specific, case-by-case basis, in those municipalities where the enabling legislation allows the development officer or council to exercise discretionary powers. These discretionary powers can only be exercised pursuant to policies in the Municipal Plan or provisions in the local zoning by-law. This means that the approval of a garden suite application may not in any way contravene any of the provisions of the Municipal Plan or zoning by-law. If the potential for conflict exists, amendments to the Municipal Plan or the zoning by-law may be required.

Where discretionary powers are used on a case-by-case basis to deal with applications for installing garden suites, municipalities should consider developing a set of guidelines for evaluating such applications in lieu of zoning standards and regulations. The use of guidelines provides the development officer or council with consistent evaluative criteria, while at the same time allowing for some flexibility to deal with unique conditions and circumstances.

As a basis for developing such guidelines, municipal councils should consider formulating a policy which clearly defines the intent of the garden suite concept as set out in this Guide. A sample policy is included in Part Five of this Guide.

2.2.2 The Re-zoning Process

Where discretionary zoning powers are not available, or for those municipalities which prefer a review and approval process consistent with that used for all other forms of development, municipalities must amend their zoning by-laws to allow for garden suite development. Depending upon the intent and nature of specific policies, amendments to the municipal land use planning policy document may be required.

There are three basic approaches that can be taken in amending the zoning by-law to allow for garden suites.

First, zoning by-laws can be amended to allow garden suites as a permitted, as-of-right use, in specific low density residential zones. Second, zoning by-laws can be amended to allow a garden suite zone in which applications can be considered on a site-specific basis. Third, zoning by-laws can be amended to allow garden suites as a conditional or discretionary use in specific low-density residential zones.

Where applicable, municipal planning documents can be amended before, or at the same time as, the zoning amendments.

As is the case in applying discretionary powers for approving garden suites, municipalities should consider formulating and approving, by resolution or by-law, an appropriate policy defining and specifying the intent and parameters of garden suite development. Processing a policy amendment on a community-wide basis provides the opportunity for informing the public on the intent and benefits of garden suites. As such, it fosters community awareness and acceptance, and allows municipalities to develop approval guidelines and standards which recognize public concerns.

Because the garden suite concept is a departure from the traditional residential development practice of one house per lot, the site-specific or conditional-use approaches to amending zoning by-laws, as opposed to permitting garden suites as-of-right, are currently the most

convenient and acceptable for most municipalities. The statutory public hearings of site-specific or conditional zoning approaches ensure that interested property owners who could be affected by the placement of a garden suite are provided the opportunity to consider, comment upon and appeal rezoning applications. The actual approach taken by a municipality will depend upon the applicable enabling legislation described in Part Four, as well as local concerns and planning practises.

2.2.3 Special Provisions

The unique characteristics of the garden suite concept may require some special provisions when zoning by-law amendments are considered. These provisions relate to the definition of a garden suite, the circulation process for processing garden suite rezoning, and related applications and renewal options.

2.2.3.1 Definition

Because a garden suite is designed and constructed to be relocatable, most are factory-built modular, mobile or panelized units. In rural and some urban areas, conventional mobile home units will continue to be used as garden suites. All units are placed upon a supporting framework that is enclosed with appropriate skirting and connected to the water supply, sewage disposal, electricity, telephone and any other necessary services and utilities. It is important, therefore, that the zoning by-law definition of a garden suite be sufficiently flexible to provide for various forms of dwellings and recognize that they are temporary and relocatable.

2.2.3.2 Circulation and Review Process

As a result of the occupancy, siting and design feature of garden suites, functional and physical effects on adjacent properties are minimal. At most there may be some shadowing of adjacent gardens or restrictions on viewing of amenity and outdoor recreation spaces. Experience has shown, however, that such effects can often be reduced or eliminated through sensitive siting and landscaping. Parking an additional vehicle

may be difficult, but this problem can be resolved during the application review process. It should also be remembered that the occupants of garden suites often do not own automobiles. In any event, potentially negative impacts likely will be minimal and are temporary because the unit will eventually be removed.

When applications for garden suites are circulated, the temporary nature of this housing form should be acknowledged. Only owners of property in the immediate vicinity of a potential garden suite site need be notified regarding an application to place a garden suite unit.

Similarly, where enabling legislation permits the reduction of minimum notification times for the convening of statutory public hearings to consider rezoning applications, the normal period should be reduced since only a small number of property owners need to receive the notice. This also will assist the applicant and expedite the entire process for reviewing and approving garden suite applications. This may be particularly important when there is an urgency to obtaining accommodation for an elderly individual in poor health but who does not require institutional care.

2.2.3.3 Renewals

The temporary nature of the garden suite should be recognized in the zoning by-law by ensuring that permits and licences are issued for a stated time period only. This will help the municipality monitor and control the use of garden suites, and ensure their removal once they are no longer required. Provisions for renewals should be included in the zoning by-law, provided that there has been no change in garden suite use, occupancy, or property ownership. The renewal clause allows for greater efficiency and makes it unnecessary for garden suite users to keep reapplying for zoning approvals, thereby providing some degree of certainty and security in pursuing this housing option. The by-law should include steps for renewal as well as provisions for infractions.

3.0 PROCESSING APPLICATIONS FOR GARDEN SUITE INSTALLATIONS

3.1 Assistance for Preliminary Enquiries

Until the garden suite concept becomes widely known, it is likely that preliminary enquiries will be made at municipal offices by people who have very little familiarity with the details involved in installing such dwellings. Parts One and Two of this Guide will give them sufficient information to decide whether or not to pursue this housing option. However, they may require some further assistance from the municipality to determine whether placement is physically feasible and acceptable. At the time of preliminary enquiries, municipalities can provide prospective applicants with the following types of assistance.

3.1.1 Maps and Siting Information

Municipal base maps and aerial photographs allow an applicant to determine readily whether there is sufficient space in the yard to place a garden suite, and if so, how to site the unit to optimize remaining amenity space and allow for functional access between the host dwelling and the unit. A municipal official can provide further assistance by discussing the specific siting implications of relevant regulations and guidelines.

3.1.2 Municipal Services

Municipalities can assist prospective applicants in determining whether there is sufficient servicing capacity on site to accommodate the garden suite. They can also help identify easements, underground services, utilities and restrictive covenants that could interfere with the installation of a garden suite.

3.1.3 Tea Parties

If it appears that the property will be able to accommodate a garden suite, and interested individuals indicate their desire to proceed with formal applications for approval, they should be encouraged to host an informal tea party to inform the neighbours of their intent and to describe the garden suite. If possible, municipal staff and

representatives of the company or agency that will provide the garden suite should attend this meeting to answer questions.

3.2 Processing the Application for a Garden Suite

Processing applications for garden suites requires that first, the application be accompanied by all the required information; second, that the application be reviewed to ensure that it conforms with municipal policy and meets all zoning regulations and approval guidelines; and third, that the appropriate implementation agreements are executed.

3.2.1 Application Information to be Provided

The following information should accompany applications for garden suite installations:

- (a) the location of the property on which the garden suite is to be installed and the name of the property owners
- (b) the names of the persons who will occupy the garden suite
- (c) the relationship of the intended garden suite occupants to the host family
- (d) confirmation that the intended garden suite occupants are 65 years of age or older, or that they are younger but have disabilities
- (e) the name of the agency, organization or manufactured housing company that will supply, install, maintain, and eventually remove the garden suite
- (f) a detailed description of the garden suite unit along with the architectural drawings
- (g) a detailed siting plan and servicing arrangements.

3.2.2 Approval Regulations and Guidelines

In reviewing applications for garden suites, the municipal official must first ensure that the intended use of the garden suite is in keeping with municipal policy. If so, the applications should be reviewed to ensure compliance with zoning by-law regulations and development guidelines and processed according to prescribed practice. Regulations and

guidelines should deal with the following specific items:

- (a) maximum lot coverage of all buildings and structures on the property
- (b) setback requirements at the side and rear property boundaries, with distances varying with the location of doors and windows facing a side or rear yard, lane, or buildings or structures on abutting properties
- (c) the requirement that the garden suite not be situated in a front yard other than in special circumstances
- (d) the minimum separation distance between the garden suite and other buildings or structures on the same property varying with respect to windows and doors in facing walls
- (e) the maximum gross floor area of the garden suite
- (f) the maximum height of the garden suite
- (g) the minimum area or dimensions of outdoor open amenity space to be available for the host family and garden suite occupants
- (h) requirements for parking for garden suite occupants and exemptions where they do not and will not operate a motor vehicle
- (i) the grading of the property to avoid ponding around the garden suite or the diversion of the existing surface water flows onto adjacent properties
- (j) the compatibility of the design of the garden suite with buildings on the host and adjacent properties
- (k) skirting treatment.

Each zoning by-law should be accompanied by a site plan that shows:

- (a) siting of the garden suite in conformity with zoning by-law standards
- (b) the proposed site reclamation, landscape treatment and site grading
- (c) any easements or existing underground services or utilities

- (d) the location of the service and utility connections to the garden suite
- (e) the location of walkways, decks, steps or ramps, parking and outdoor amenity space
- (f) the location of septic tanks and tile beds, or similar private sewage disposal facilities, and wells.

Sample by-laws and examples of site plans are included in Parts Five and Six of this Guide.

3.2.3 Implementing Agreements

The final step in the approval process is the execution of an agreement or affidavit by the municipality and the applicant. The type of agreement and the contents are dependent upon the applicable provincial and territorial enabling legislation. In all cases, in order to implement an approved application for the placement of a garden suite effectively, a document or agreement should:

- (a) identify the property and the property owners as well as the names of the eligible occupants of the garden suite;
- (b) require that the garden suite must be removed from the subject property if it ceases to be occupied by the stipulated persons within stipulated time limits;
- (c) refer to the mutual obligations of the garden suite owner or supplier and host family/property owner as set out in the lease agreement between those parties and included in an appendix;
- (d) provide for the renewal of the approval document to coincide with the time limitations embodied in the zoning by-law;
- (e) require the execution of a termination agreement when occupancy of the garden suite by the stipulated persons is concluded and the unit has been removed;
- (f) require actions related to the removal of the unit such as site restoration and remedial work;
- (g) require financial guarantees or performance bonds to assure compliance with all terms and conditions of the agreement, as well as to cover any costs that might be incurred by the

municipality in relation to the installation and removal of the garden suite; and,

- (h) require that the agreement be registered on title to the property.

Samples of various implementation documents are included in Part Five of this Guide. Factors to consider in unit removal and site restoration are discussed in Part Two.

MUNICIPAL GARDEN SUITE APPROVAL CHECK LIST

OCCUPANT(S)

- ☐ Are the occupants seniors or disabled?
- ☐ Are the occupants in need of some support and care services which can be provided by the host family?

HOST FAMILY

- ☐ Is the host family the owner of the property for which the application has been submitted?
- ☐ Does the host family live in the host dwelling?
- ☐ Is the owner of the garden suite unit someone other than the host family/applicant?
- ☐ Is the host family willing and able to provide the care and support services the garden suite occupants will require?

LAND USE BY-LAW

- ☐ Has a tea party or information session for the neighbours been held by the applicant?
- ☐ Will local servicing capacity accommodate the unit?

- ☐ Does the development and accompanying site plan proposed for the garden suite unit comply with the definition and provisions of the land use by-law?

- ☐ Definition
- ☐ Setbacks
- ☐ Site Grading
- ☐ Parking
- ☐ Walkways
- ☐ Amenity space
- ☐ Easements
- ☐ Service Connections
- ☐ Gas Line Setback

- ☐ Are the soil conditions satisfactory to support the garden suite?

- ☐ Are any restrictive covenants in effect which might prevent the placement of a garden suite unit?

- ☐ Are special installation techniques required?
- ☐ Are septic systems functioning adequately or are remedial measures required to accommodate additional flows from the garden suite?

In the majority of instances, the garden suite will be owned, installed and maintained by a third party, such as a municipal or provincial housing corporation, non-profit housing organization or manufactured housing agent under a lease agreement with the property owner. Although not a direct municipal concern, the lease should be reviewed by the municipality to ensure that it includes provision for areas of responsibility of the owner or supplier of the garden suite, and the applicant (host family) which are noted in the various municipal documents.

3.2.4 Municipal Garden Suite Approval Checklist

In reviewing and processing garden suite applications, municipal officials should refer to the Municipal Garden Suite Approval Check List to ensure that all the unique feature and requirements related to garden suite development as discussed in the Guide have been considered.

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These extracts of the CSA material do not reflect any amendments that may be made to the original content after March 1994. Up-to-date information can be obtained by contacting the CSA.

4.0 SITE PREPARATION, FOUNDATION AND ANCHORAGE OF MOBILE OR MODULAR HOMES USED AS GARDEN SUITES

4.1 Introduction

In March, 1994, the Canadian Standards Association published Standard Z240.10.1-94 entitled "Site Preparation, Foundation and Anchorage of Mobile Homes". The document replaces what had previously been a recommended practice by mandatory requirements for the installation of "mobile" and "modular" homes.

The following definitions apply to this standard.

- (a) Mobile Home - a transportable, single or multiple-section, single family dwelling conforming to the CAN/CSA-Z240 MH Series at the time of manufacture. It is ready for occupancy upon completion of setup in accordance with factory-recommended installation instructions.
- (b) Modular Home - finished section(s) of a complete dwelling built in a factory for transport to the site for installation. "Finished" means fully enclosed on the exterior and interior but need not include: interior painting, taping, installation of cabinets, floor

covering, fixtures, heating and exterior finishes.

Where a garden suite is a factory-built unit meeting the definition of either of those types of units, its installation must comply with the requirements of the CSA document with respect to: site preparation, foundations, anchorage, connection of multiple-section units and skirting.

The notes and diagrams in the following sections have been derived from the CSA Standard.

4.2 Site Preparation

The location on the lot where the garden suite is to be located should be prepared for the unit using procedures that will avoid ponding of water below it and the upward migration of moisture into the space beneath it. These objectives can be achieved by:

- (a) removing the top soil and all organic material from the garden suite site;
- (b) grading the base of the excavated site area from the centre to the outside, or from side to side, with a minimum slope of 2%;
- (c) filling the excavated area with gravel or other suitable inorganic material to a level just above the surrounding finished grade;
- (d) compacting and grading the backfill material around footings; and,
- (e) covering the entire area below the garden suite unit with a vapour barrier that extends at least 6 inches beyond the perimeter, with any joints overlapped at least 4 inches.

4.3 Clearance

It is important that there be sufficient clearance under the garden suite unit for access to heating, plumbing or other services, utilities or equipment that may require repair or replacement. The minimum vertical clearance for access is 24 inches; however, where there is a sunken living room or a sloping site, the minimum clearance under the lowest section can be 12 inches.

4.4 Foundations

The most common form of support for modular or mobile homes used as garden suites is the use of pier foundations. Piers must rest on footings whose areas will be dependent upon the type of soil that supports them. Table 1 indicates the minimum footing area for various pier spacings on soils that are commonly encountered. For other soils the footings and foundations will have to be designed in accordance with accepted engineering practice.

To prevent frost heaving, foundations must extend below the level of expected frost penetration for the locality in which the garden suite is to

Table 1

*Minimum Footing Areas,
m² (ft.²)*

Type of Soil	Pier Spacing, m (ft.)			
	1.8 (6)	2.4 (8)	3.0 (10)	3.6 (12)
Soft clay, loose sand, loose gravel	0.32 (3.3)	0.41 (4.4)	0.51 (5.5)	0.61 (6.6)
Firm clay, compact silt	0.16 (1.8)	0.22 (2.4)	0.27 (2.9)	0.33 (3.5)
Compact sand, compact gravel, stiff clay, till	0.08 (0.9)	0.11 (1.2)	0.14 (1.5)	0.16 (1.8)
Shale, rock	0.04 (0.5)	0.05 (0.6)	0.07 (0.8)	0.08 (0.9)

be erected. If the foundation is supported on rock or coarse-grained granular material that is well drained to the depth of frost penetration, then the foundations need not extend to below the level of frost penetration.

Diagrams 1, 2 3 and 4 illustrate examples of various types of foundations for modular or mobile home units used for garden suites.

Unreinforced concrete footings must be at least 4 inches thick and must not project more than their thickness beyond the supported pier. Wooden footings can be used under piers provided that:

- (a) they are not less than 3 1/2 inches thick;
- (b) they have been pressure treated with wood preservative; and
- (c) field cut ends are treated with a copper naphthanate

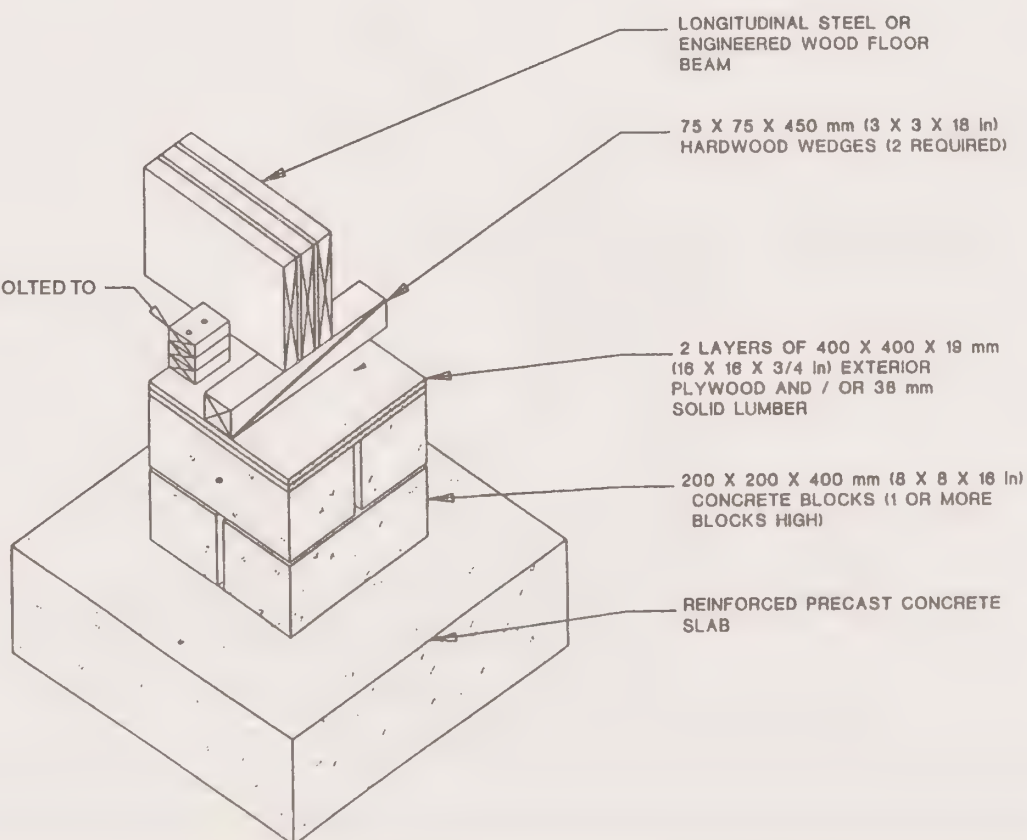
preservative solution containing a minimum of 2% copper metal.

For stability, the height of piers above their footings must not exceed their horizontal dimension measured at right angles to the length of the garden suite unit except where engineering calculations show other solutions to be satisfactory. The sliding of longitudinal beams must be prevented by the use of blocking or other forms of lateral restraint at the top of each pier, on the exterior side of each longitudinal beam.

The minimum size of concrete masonry units used for piers is 8 inches nominal, and where hollow core units are used the cores must be in the vertical position. The units may be drystacked or bonded with mortar, and the cores can be left empty or be filled with mortar or concrete.

Diagram 1

Concrete Block Surface Foundation System



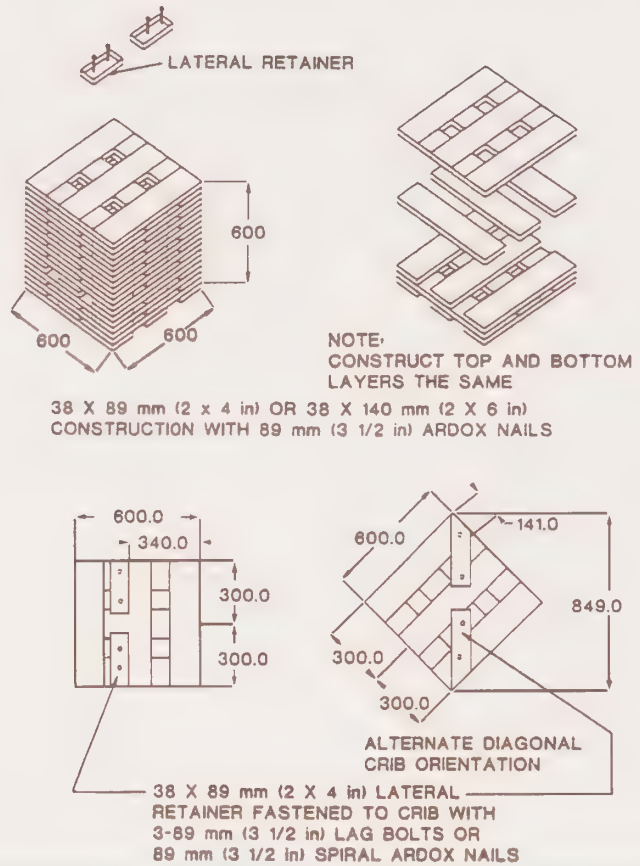
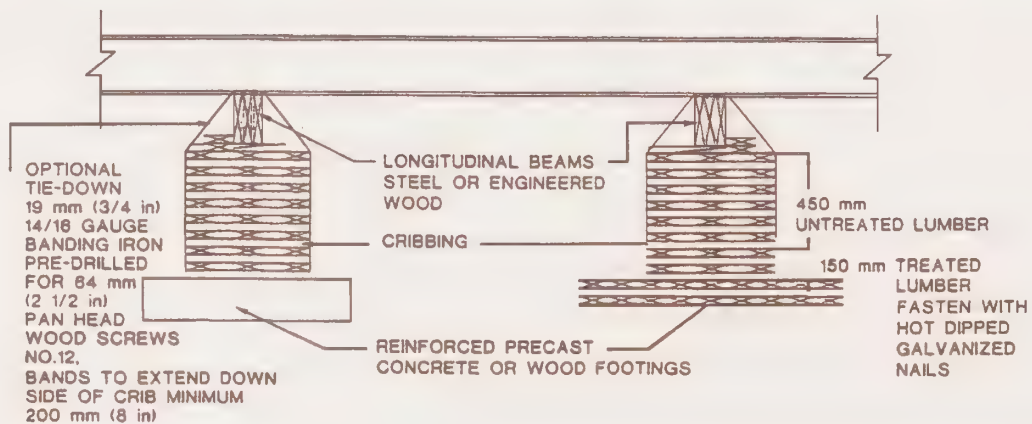


Diagram 2
Wood Crib Pier Foundation



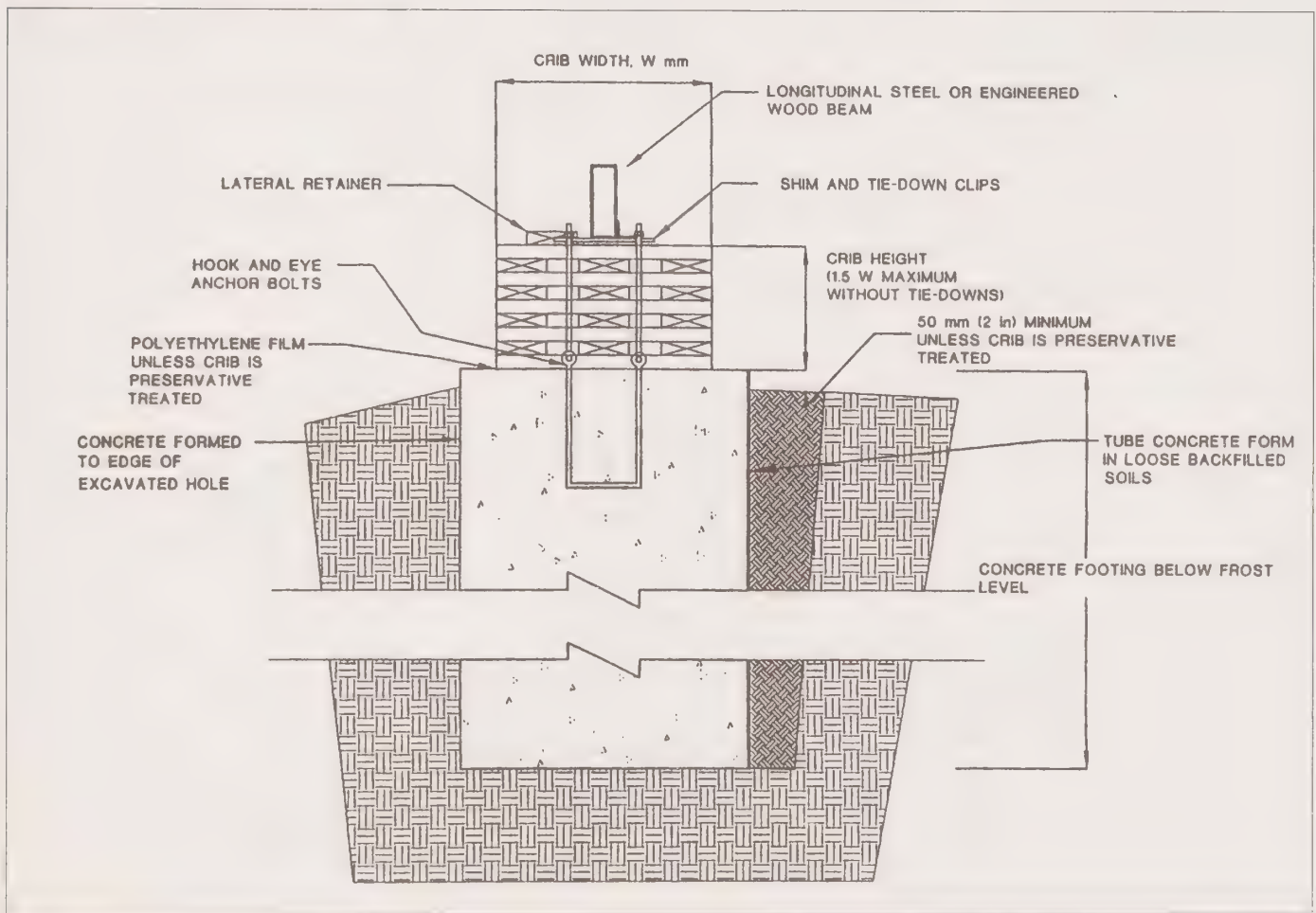
4.5 Anchorage

Unless it can be shown by engineering calculations that a specific garden suite unit will remain stable under the range of design wind pressures used for the locality in which it is to be situated, the unit must be provided with a ground anchorage system. The ground anchors must be:

- (a) resistant to corrosion and decay;
- (b) spaced not more than 40 feet apart; and,
- (c) installed at a depth below the level of frost penetration.

Diagram 3

Cast-in-Place Concrete Footing and Pad with Anchorage



4.6 Skirting and Ventilation of Crawl Spaces

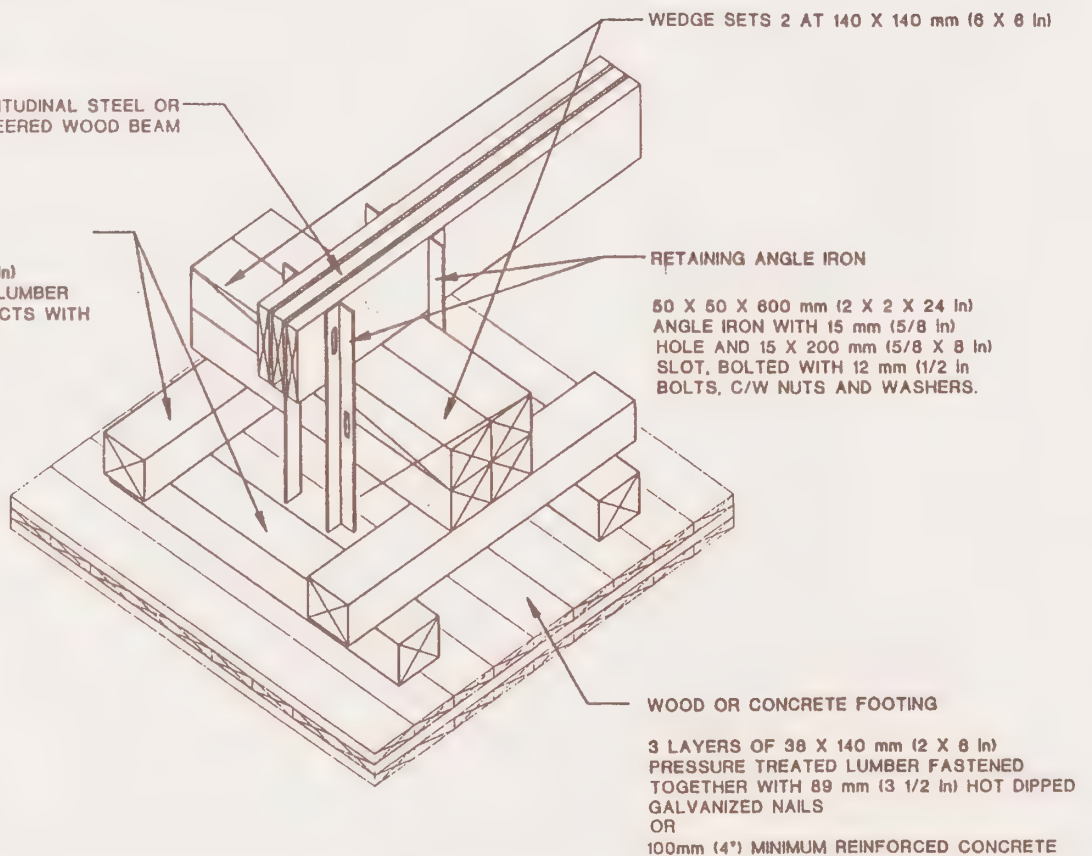
Skirting must be installed around mobile homes used as garden suites. It must be able to meet the following requirements:

- (a) a minimum vertical soil movement of at least 2 inches;
- (b) materials that are, or are treated to be, corrosion-resistant for those skirting components that are to be in direct contact with the ground; and,
- (c) paint or other weather-resistant treatment of all exterior skirting component surfaces.

There must be provision for adequate year-round ventilation of crawl

Diagram 4

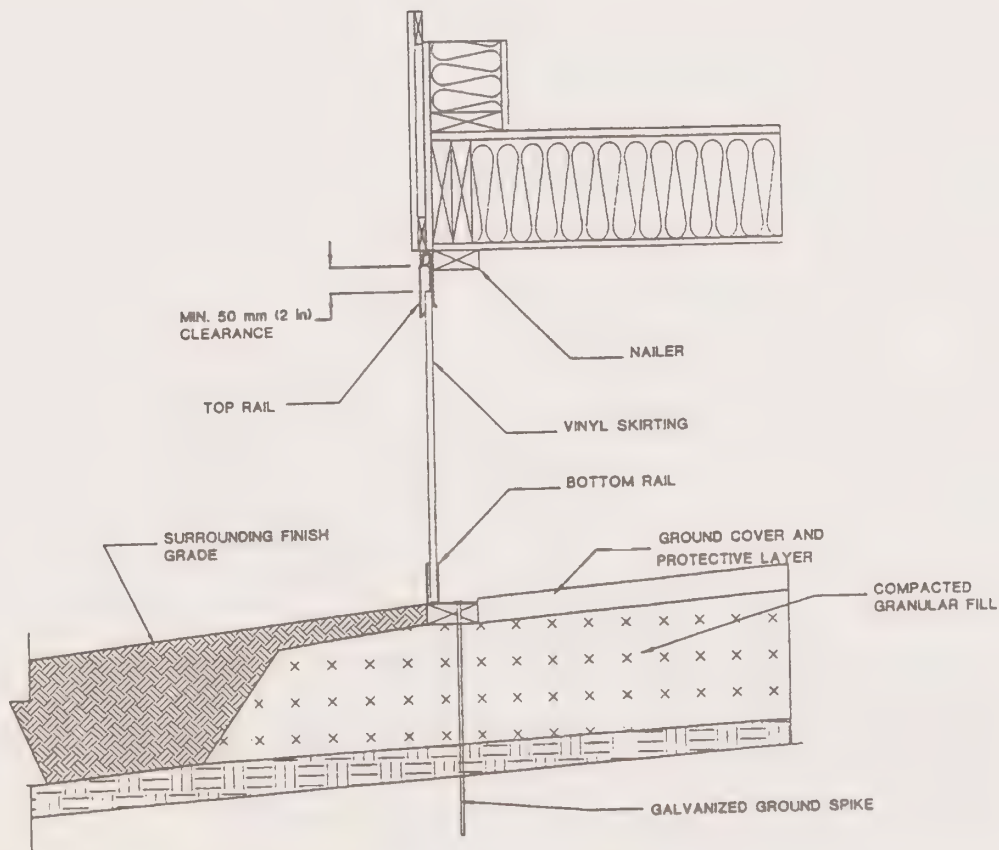
Wood Crib Pier Foundation



spaces to prevent moisture from building up under the garden suite unit. This can be achieved by:

- (a) the installation of screened louvres or ventilation grilles with an area of at least 1 sq. ft. for each 500 sq. ft. of floor area of the unit;
- (b) the location of the louvres or ventilation grilles uniformly spaced on opposite sides of the unit;
- (c) the height of the louvres or ventilation grilles sufficient to ensure that they will be kept free from obstruction by snow build-up; and,
- (d) ensuring that appliances or clothes dryers are not vented into

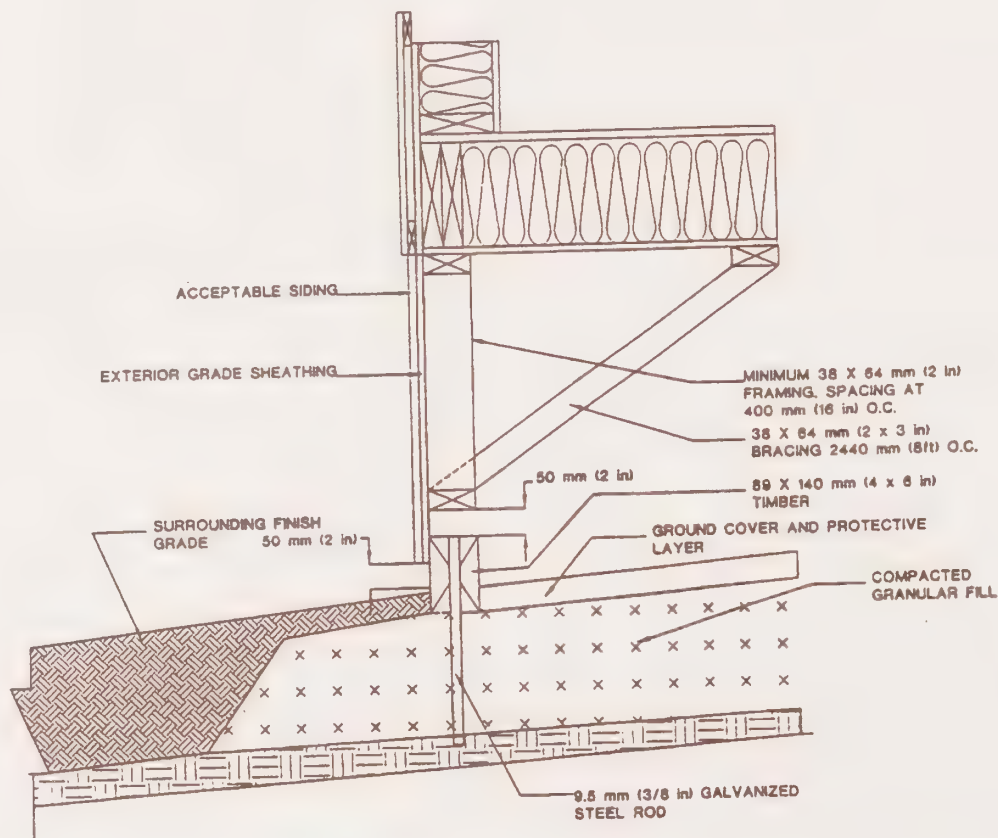
Diagram 5
Skirting Detail



the crawl space.

At least one access panel, not less than 20 by 28 inches must be provided in the skirting to enable access to the crawl space for periodic inspections, maintenance and repair of services and utilities. The access panel should be located as close as possible to the sewer and water connections to the unit. Acceptable skirting details are illustrated in Diagrams 5 and 6.

Diagram 6
Skirting Detail



The Complete Guide to Garden Suites (NHA 6853) consists of eight parts:

- 1) **The Garden Suite Concept**, NHA 6855
- 2) **Information for Occupants, Host Families, Owners and Suppliers**, NHA 6857
- 3) **Guidelines for Municipal Approval**, NHA 6859
- 4) **Provincial and Territorial Planning Act Provisions**, NHA 6861
- 5) **Sample Implementation Documents**, NHA 6863
- 6) **Examples of Installed Garden Suites**, NHA 6865
- 7) **Information Sources**, NHA 6867
- 8) **References**, NHA 6869

To order copies of any or all parts of **The Complete Guide to Garden Suites**, call 1 800 668 CMHC.

Please specify titles and NHA numbers.



PART FOUR:

PROVINCIAL AND TERRITORIAL PLANNING ACT PROVISIONS



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PART FOUR:

PROVINCIAL AND TERRITORIAL PLANNING ACT PROVISIONS

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PART FOUR:

PROVINCIAL & TERRITORIAL PLANNING ACT PROVISIONS

1.0 INTRODUCTION

This Part of the Guide examines the legislative framework which enables the deployment and control of garden suites at the municipal level in each province and territory. Although the legislative frameworks may vary, some common elements are evident. The most significant of these is that municipalities can control and regulate land use and development through zoning, as long as such zoning conforms to the official general planning document of a municipality. In some areas, conditional or discretionary powers over zoning provisions or permitted uses can be applied and temporary permits or by-laws may be used. In all cases, legislation is in place to allow municipalities interested in promoting and regulating garden suites to do so.

As was noted in Part Three, most provincial and territorial enabling legislation predates the garden suite concept and, although garden suite development can be implemented by all municipalities, some legislative frameworks are more effective than others in facilitating their implementation. Alberta's enabling legislation, in particular, is effective for deploying and controlling garden suites at the local municipal level.

The Alberta legislative framework allows for two relatively straightforward options for deploying and effectively controlling garden suites at the local level. Both options are based upon the discretionary powers granted the development officer by the Planning Act, a position which is established by the Act.

- (a) Under the first option, the development officer can exempt any persons or land from the operations of Section 78 of the Planning Act pursuant to the land use by-law. Section 78 limits the number of dwelling units on a conventional single family parcel to one. Therefore, as long as a land use by-law does not restrict the number of dwellings on a parcel, therefore, and a municipality has approved a policy to allow for garden suites according to certain conditions and guidelines, a municipal development officer can issue a discretionary permit for a garden suite. The powers to exempt persons or land from the operations of Section 78 have only recently been

delegated to the local development officer, in part as a result of Alberta's garden suite initiatives.

- (b) Under the second option, the municipality can amend its land use by-law to allow for garden suites as a discretionary use in certain conventional single family districts. The development officer then has the discretion to approve an application for a garden suite under certain guidelines and conditions as specified by the by-law and municipal policy. The discretionary or conditional zoning option is not unique to Alberta. However, it is widely applied in Alberta and has been used to approve all existing garden suite units. Alberta's legislation also allows for temporary permits; these have been applied to all existing garden suites.

The Alberta system may not be ideal for facilitating the deployment of garden suites, but it does not contain any major obstacles. The effective deployment of garden suites depends mainly on the interest and commitment of individual municipalities to make this housing option available to its senior and disabled residents, and to translate this commitment into official municipal policy and action.

The Alberta approach demonstrates that significant legislative changes to the Planning Act were not warranted, nor were they considered desirable at a time when the province was actively pursuing a policy of deregulation. Major changes also were not warranted because Alberta's planning legislation is based on the principle that local development is largely a matter of local discretion. Where this principle is recognized in the enabling legislation of other provinces and territories, few amendments may be required to allow municipalities to deploy and control garden suites. Where this is not the case, the Alberta legislative framework could be considered as an example to allow for greater flexibility at the local level. The actual amendments that may be needed will vary and are directly related to the features of the current legislative framework of each province and territory.

It is apparent that, in general, all planning legislation presently empowers municipalities to deal adequately with the deployment and

control of garden suites. However, since most planning regulations pre-date the garden suite concept, procedures may be cumbersome, time-consuming and costly, and the outcome is highly uncertain. As has been previously mentioned, options that provide for greater flexibility and that are less time-consuming make it possible to process garden suite applications more expeditiously and with the least expense to the applicants. Frequently, the time factor to accommodate elderly individuals is very important; prolonged delays in the approval process will only frustrate those individuals and deter them from pursuing this desirable housing alternative.

In Ontario, the processing of garden suites will be facilitated by Bills 120 and 163 which deal specifically with garden suites in the Planning and Municipal Acts, vest greater autonomy in municipalities in their land use planning decision-making process, and introduce a development permit procedure.

Those initiatives, as well as ones previously mentioned in Alberta, simplify the garden suite approvals process but do not increase the administrative burden or diminish the rights of neighbouring property owners. As a result, it is less likely that applicants will be frustrated and intimidated by a complex, time-consuming, uncertain approval process, and more likely that garden suites will be an attractive option for individuals who must act quickly to provide suitable housing for seniors.

2.0 NEWFOUNDLAND

Under the provisions of Section 36 of the Urban and Rural Planning Act, municipal councils have the authority to prepare, administer and enforce land use zoning, or other regulations, for the control of the use of land, provided that such regulations are in strict conformity with the municipal plan. Furthermore, Section 63 enables the Minister of Municipal and Provincial Affairs to approve municipal regulations for the purpose of licensing development and controlling the design, appearance, maintenance, use and occupancy of buildings. These regulations may

- (a) require the issuing of permits or licences;

- (b) provide for conditions to be attached to the permits or licenses, the issuing of temporary permits or licences, and the revocation of permits or licences; and,
- (c) provide for the exercise of discretion by the municipal council where the literal conformity with the regulations would prejudice the proper development of land, or be contrary to the best interest of the public, provided that the limits of discretion, and the circumstances under which it may apply, are clearly set out in the regulations.

Municipal councils, therefore, can provide for the temporary installation of garden suites through the development and implementation of land use zoning regulations, along with permits or licences, as long as the zoning regulations are in conformity with specific garden suite provisions in their municipal plan. Where such conformity is in doubt, Section 26 allows the municipality to amend its municipal plan and solicit adequate public input.

The pertinent sections of the Planning Act effectively provide municipalities with three basic options for implementing garden suite development using zoning regulations in conformity with Municipal Plan policies.

First, generally applicable zoning regulations can be applied. Second, site-specific zoning regulations can be developed. Third, a municipality may incorporate, in its zoning regulations, the provisions necessary to enable it to exercise its discretion with regard to the temporary installation of garden suites on a site-specific basis.

In exercising control over temporary garden suite installations, municipal administrators are empowered by Section 66 to require financial provisions, in the form of performance bonds, to guarantee site reinstatement, or the carrying out of other conditions attached to a permit or licence, such as the removal of the garden suite when it ceases to be occupied. Municipal councils and administrators in Newfoundland and Labrador, therefore, have all the authority necessary to adequately and effectively control the deployment of garden suites.

Sections 7 and 8 allow for an appeal board to hear, decide and

issue orders respecting appeals related to the application of municipal zoning regulations. This ensures that the interests of both applicants for, and property owners affected by, garden suite placements also are recognized.

The sample documents in Part Five should be of assistance in the drafting of any necessary regulations, permits or licences.

3.0 PRINCE EDWARD ISLAND

3.1 Garden Suites in Cities, Towns and Communities with Official Plans and By-Laws

Under the provisions of Section 16 of the Planning Act of Prince Edward Island, a council may make municipal planning by-laws to implement an official plan. Such by-laws or regulations, however, must, by virtue of Section 15(2), conform with the official plan. Therefore, if by-laws and regulations relating to the temporary installation of garden suites do not conform to the policies of an official plan, that document would have to be amended. However, under Section 18(2), where a by-law amendment requires an amendment to an official plan, the Council may consider both amendments concurrently. Therefore, councils could adopt a generally applicable garden suite official plan policy statement, concurrently with either a generally applicable land use by-law amendment or a site-specific one. Section 19(2) ensures that adequate public notice is provided respecting any amendments to the official plan.

Under Sections 20(1) and 8, councils may pass by-laws and make regulations with respect to:

- land use matters affecting the general welfare, health, safety and convenience of persons;
- land use zones, including permitted uses; and,
- building standards, including architectural control.

The requirement for permits includes:

- terms and conditions under which permits may be issued, refused, suspended, reinstated and revoked;
- penalties for failure to obtain a permit;

- methods, sanctions and procedures for ensuring compliance with the terms and conditions of the permit;
- a development agreement between the municipality and a developer;
- fees for permits; and,
- provision for lawful inspections and entry of properties that are the subject of permits.

Mobile homes used as a residence must meet prescribing terms and conditions respecting their use, location, maintenance, design and construction, and require permits for mobile homes.

Other points include:

- enforcement of the by-laws and regulations by the council;
- taking such remedial or other actions as may be necessary to ensure compliance, including the taking of action required to be taken by a permittee or any other person; and,
- incurring such costs as are necessary in taking such remedial or other action and to charge them to the permittee or other person.

Where official plans are in effect, therefore, there is sufficient statutory authority for councils to deal effectively with all matters related to the temporary deployment and control of garden suites. The sample documents in Part Five should be of assistance in that regard.

3.2 Areas Subject to the Planning Act Regulations

Those areas of the province of Prince Edward Island that are not covered by official plans are subject to the Planning Act Regulations administered by the Department of Community and Cultural Affairs. Section 53 of Part VII provides for the issuance of permits authorizing the placement of a mobile home on a lot in a subdivision approved for single family dwelling use only, or for summer cottage use only, if the Minister of Community and Cultural Affairs is satisfied that the majority of property owners within the subdivision do not object and the placement of the mobile home will not have a detrimental effect on the subdivision. This applies to the installation of one mobile home on a lot as an alternative to a conventional permanent dwelling.

However, under Section 9, the Minister of Community and Cultural Affairs may, for special cause, authorize such minor variance from the provisions of the regulations as in his opinion is desirable and not inconsistent with the general intent and purpose of the regulations. Applicants seeking a variance must clearly document the grounds for special cause for consideration by the Minister. Property owners who want to install a garden suite in areas of the province subject to the Planning Act Regulations could apply to the Minister for a variance for special cause.

Section 54 provides for the issuance of permits authorizing the placement of a mobile home as an accessory building on a farm.

The definition of "mobile home" in the Regulations is "a transportable dwelling unit suitable for long term occupancy, designed to be transported on its wheels and chassis and, when located, fixed on a firmly grounded foundation."

This definition is sufficiently generic that it can be interpreted to encompass a broad range of types of factory manufactured dwellings delivered to their sites on flat bed trailers for use as garden suites.

4.0 NOVA SCOTIA

Many of the land use by-laws for municipalities in Nova Scotia already have provisions for "grouped dwellings" in a multi-unit residential zone. These are defined as "two or more dwelling units which are contained within two or more buildings on a lot." Where that is the case, applications for garden suites can be dealt with on a site-specific basis by re-zoning the intended property to a land use zone whose classification permits grouped dwellings. However, this is only possible if such re-zoning is considered to be carrying out the intent of the municipal planning strategy.

Sections 51 to 54 of the Nova Scotia Planning Act enable municipalities to adopt or amend land use by-laws that include all of the site planning requirements necessary for the temporary placement of garden suites on properties that already contain a permanent dwelling. Section 53(3) enables land use by-laws to include provisions

relating to:

- minimum lot frontage and area;
- permitted uses;
- maximum floor area;
- location, height, area and bulk of structures to be erected, constructed or moved;
- percentage of land that may be built upon and the size of yards, courts or other open spaces;
- the location of structures upon a lot; and,
- the architectural design or external appearance of structures.

However, as with “grouped dwellings” zoning, such land use by-laws can only be adopted to carry out the intent of a municipal planning strategy, as set out in Section 51(3). In addition, Section 65(2) prevents the Minister of Municipal Affairs from approving a land use by-law if “it does not carry out the intent of the applicable planning strategy or amendment thereto.” Therefore, before municipalities adopt or amend their land-use by-laws to permit garden suites on a generally applicable or site-specific basis, they must be satisfied that such by-laws are consistent with the intent of their municipal planning strategy. Otherwise it will be necessary to amend the municipal planning strategy.

In most instances, the municipal planning strategy and residential land use policies should be broad enough in their scope and general enough in their wording to be interpreted to have the intent to permit a wide variety of housing options, including garden suites. If, however, they cannot be construed to have the intent to permit garden suites, they will have to be amended appropriately. The Planning Act ensures proper public notification in the event of amendments to the planning strategy.

It should be noted that Section 54(1)(f) enables a municipality in its land-use by-law to regulate the time period for which temporary developments may be permitted, where a municipal planning strategy has policies making such provisions. Section 38(2)(o) enables municipal planning strategies to include policies concerning measures for informing or securing the views of the public regarding planning policies and actions or regulations arising from such policies. A garden

suite policy statement could, therefore, include mention of the temporary time durations for garden suites, as well as the appropriateness of informal tea parties to be convened by property owners who are contemplating the installation of a garden suite.

Section 38(p) provides for the inclusion, in a municipal planning strategy, of policies governing the use of development agreements pursuant to Section 55. This, along with the requirement of Section 83(1) for municipal development permits, will ensure that the municipality has effective control over such matters as the installation and maintenance requirements; the mutual obligations of the host family/property owners, occupants and owner/supplier of the garden suite; and the time at which the land-use by-law or development permit need be renewed. The sample documents in Part Five should assist municipalities in the drafting of municipal planning strategy policy statements, land-use by-laws and the necessary agreements.

The enabling legislation does not specifically empower municipalities to deal with the following matters:

- (a) restrictions on the eligibility of occupants of garden suites with respect to their age, disability or relationship to the host family
- (b) the grading of a garden suite site to avoid ponding or the diversion of existing surface water flows onto adjacent properties
- (c) the compatibility of the elevations and colours of the garden suite with adjacent buildings on the host and adjacent properties
- (d) the inclusion in development permits of requirements relating to site reclamation and site grading
- (e) the removal of a garden suite no longer occupied by the intended persons other than by discharging the development agreement
- (f) the use of performance bonds for violations of the development permit or to cover any municipal costs associated with the installation or removal of the unit
- (g) periodic inspections to assure compliance with the terms of the development permit and agreement.

Notwithstanding these deficiencies, it is still possible for municipalities to control the development of garden suites effectively through the exercise of the powers previously mentioned.

If the garden suite housing option is to be encouraged, the matters listed above will have to be specified in amendments to the Nova Scotia Planning Act.

5.0 NEW BRUNSWICK

5.1 Garden Suites in Unincorporated Areas

In the unincorporated areas of the province of New Brunswick, garden suites in the form of mobile homes are permitted as-of-right by Regulation 81-126 passed under the Community Planning Act (Chapter C-12, R.S.N.B.). Sections 11(3) to (7) of this Regulation allow mobile homes to be used as temporary residences on lots already occupied by a one family dwelling, with stipulated minimum lot area and width, provided that a temporary residence permit has been issued, and provided that the mobile home is used for the sole and exclusive use as a residence only by

- (a) a parent, grandparent, son or daughter of the occupant or of the spouse of the occupant of the one family dwelling, and
- (b) the spouse and any dependent of the parent, grandparent, son or daughter.

A temporary residence permit is issued by the building inspector with jurisdiction in the area where the land is located. A permit may be renewed, but the most recent one issued is valid only until the first day of August of the year following the date of issue or renewal. The mobile home must be removed from the property if the temporary residence permit is not renewed, if there is a violation of the occupancy restrictions stipulated in the regulations and the temporary residence permit, or upon the death of the persons permitted to occupy the mobile home.

The installation of a mobile home as a temporary residence is also subject to the approval of the district medical officer under the provisions of Sections 238(7) (8) and (9) of Regulation 88-200, of the

Health Act (Chapter H-2, R.S.N.B.). Such approval is contingent upon the same occupancy restrictions as for temporary residence permits. It is subject to any condition specified in writing by the district medical health officer and can be granted only on compassionate grounds.

Section 238(9) provides for water supply and sewage disposal facilities for temporary second residences to be connected to the services of the principal residence for lots up to 4000 square metres. For larger lots, the water and sewage disposal services of the temporary second residence can be connected to the services of the principal residence, or be separate from them if the lot is of sufficient size and the residences are located in a manner that would allow subdividing in the future.

It should be noted that the definition of "mobile home" in the New Brunswick Municipalities Act (Chapter M-22, R.S.N.B.) is generic enough to enable a diverse range of types of designs of prefabricated transportable garden suites to be installed in unincorporated areas of the province, as temporary second residences, under the provisions of the Provincial Building and Health Regulations.

5.2 Garden Suites in Cities, Towns and Villages

The provisions of Sections 34 and 39 of the New Brunswick Community Planning Act enable the councils of municipalities to pass generally applicable or site-specific zoning by-laws to permit the placement of garden suites on properties already occupied by a permanent dwelling. Section 34 enables by-laws to be passed prescribing necessary permits, along with their terms and conditions, or incorporating all of the necessary requirements relating to site planning standards, including such matters as lot size, building size, height and bulk; maximum lot coverage; the placement of buildings, including setbacks; building design, character and appearance; the placement, height and maintenance of fences, walls, hedges, shrubs and trees; means of access of lots to streets; off-street parking; room size; grading of the land for surface drainage; and preservation and planting of trees.

Section 39 enables municipal councils to impose terms and conditions relating to those matters that it considers relevant to the

situation when considering the passing of by-laws for the rezoning of parcels of land for specific proposals such as garden suites. This section also enables municipal councils to enter into agreements respecting any terms and conditions it deems necessary. This enables councils to pass zoning by-laws and enter into agreements that stipulate all of the necessary site planning regulations for garden suites as well as the occupancy and other obligations of unit owner/suppliers, property owners and occupants outlined in Part Three of this Guide.

The sample documents in Part Five should assist municipalities in the drafting of the necessary by-laws and agreements.

6.0 QUEBEC

Councils of municipalities in the province of Quebec may adopt zoning by-laws under Section 113 of the Land Use Planning and Development Act. However, Sections 76 and 102 require that such by-laws must conform to the Planning Programme, the objectives of the Development Plan, and the Complementary Document.

As a result, these planning documents may have to be amended before a zoning by-law can be adopted, on either a generally applicable or site-specific basis to permit garden suites.

Section 113 further allows municipalities to control garden suites through zoning by-law regulations which deal with matters such as the following:

- permitted uses and densities
- the open space that must be left between structures, and the use and development of such open space
- site development standards including —
 - the dimensions, volume, floor areas and ground areas of structures
 - the total floor area of a building in relation with the total lot area
 - the length, width and area of open space between structures on the same lot
 - the setbacks from the street and property boundaries

- the architecture and exterior design of structures
- the location of a group of structures on a single site
- the exterior materials of structure
- the proportion of a property which may be occupied by a structure or use (coverage)
- the location of vehicular access to the property
- the requirements for vehicle parking.
- the regulation of excavation, clearing and filling; the planting and felling of trees; and the installation of grass, shrubs, or trees
- the regulation of the moving of structures including requirements, where a structure is moved, for the deposit, as security, of an amount considered provisionally sufficient to ensure compensation of the damage that might be incurred by the municipality by reason of that moving
- to regulate the layout, height and maintenance of fences, walls, hedges, shrubs and trees
- to regulate the siting and installation of mobile homes.

Section 113 also allows for regulations to permit groups of structures and uses of a determined classification, and prescribes specific rules applicable in such a case. This may be particularly applicable for the deployment of temporary use structure, such as garden suites, in that it allows for definition of such matters as time period for the installation, renewal requirements, and removal obligations when they cease to be occupied by the stipulated occupants.

Municipal councils may also pass by-laws under Section 119 of the Planning and Development Act that:

- require a certificate of authorization for the moving of a structure, with provision for the posting of a security deposit for any damage that might be incurred by the municipality;
- prohibit the occupancy of a structure that has been moved except with a certificate of occupancy, which, in the case of a garden suite, could include the names of the stipulated occupants;

- prescribe the plans and documents that must be submitted by an applicant in support of an application for a permit or certificate, which, in the case of a garden suite, could include a copy of the agreement between the owner/supplier and the host family/property owner, that would have to be acceptable to the municipality;
- establish fees for the certificates of authorization and occupancy; and,
- designate a municipal officer responsible for the issuance of the certificates.

All of the regulatory powers are available to municipal councils in the province of Quebec to enable them to effectively regulate the deployment and control of garden suites. The one major constraint, however, is the requirement in Article 116(1) relating to the conditions for granting permits. That Article enables municipalities to enact by-laws that prescribe that building permits may be granted only if the land site for each proposed structure to be built forms a separate lot on the official cadastral plans. As most municipalities have in fact enacted such by-laws and because they can be applicable only to stipulated parts of the municipality, councils of municipalities that want to be able to accommodate garden suites can repeal such by-laws that are applicable to their entire territory, and replace them with by-laws that exclude residential areas in which garden suites permitted. If such action is accompanied by amendments to the relevant sections of the zoning by-law to permit a second free-standing dwelling on a lot only if it is a garden suite, there will be adequate control over abuses that could arise out of the elimination of the requirement of one building per lot.

The sample documents in Part Five should be of assistance to municipalities in the exercise of their powers with respect to zoning by-laws and certificates of authorization and occupancy.

7.0 ONTARIO

Municipalities in Ontario can provide for garden suites in a number of ways.

First, generally applicable or site-specific zoning by-laws are passed under Section 34 of the Planning Act. Second, zoning by-laws may permit garden suites to be installed in the form of mobile homes, either generally or on a site-specific basis, under the provisions of Sections 34(4) and 46 of the Planning Act. Third, site-specific temporary use by-laws may be passed under the provisions of Section 39 of the Planning Act.

Because Section 24 of the Ontario Planning Act precludes the passing of any by-laws that do not conform with the Official Plan, however, if an Official Plan has policies that would prevent the passing of such by-laws, they cannot be passed without the prior, or concurrent, adoption of an Official Plan garden suite policy statement. While the zoning by-laws may be of general or site-specific applicability, it is much more appropriate for the Official Plan garden suite policy statement to be generally applicable with a clear indication of the criteria that must be met for the approval of applications for the rezoning of land for the temporary installation of garden suites.

While Section 34(13) of the Ontario Planning Act requires a minimum notice period of 20 days for public hearings relating to the passing of zoning by-laws, a municipality can include requirements in its Official Plan for a shorter notice period for garden suites by invoking the provisions of Section 34(14). Where municipalities want to expedite the processing of garden suite applications, therefore, they can include provisions in their Official Plans stating that the notice period can be reduced to 10 or 15 days, and the circulation distance can be reduced from 120 metres to as little as 50 metres from the subject property, for site-specific applications for garden suites.

In order to ensure appropriate control over the installation of garden suites, the use of site-specific temporary use zoning by-laws has been the most commonly used technique. Such by-laws should incorporate detailed site plans in their schedules in order to ensure that all

necessary siting requirements are adequately covered. The by-laws should also indicate that the municipality will invoke its powers of entry and inspection in keeping with Section 49 of the Planning Act, on a periodic basis, or upon the receipt of a complaint, to ensure that the use and occupancy of the garden suite complies with the provisions of the zoning by-law and the original application for the installation of the garden suite. Sample Official Plan policy statements and zoning by-laws are included in Part Five of this Guide.

The Ontario Planning Act permits the passing of temporary use by-laws for a period of 3 years, with subsequent renewals for additional three year periods available with Council approval. Bill 120 increases the time periods to ten years for garden suites, and adds provisions to both the Planning Act and the Municipal Act that enables municipalities to enter into agreements on such matters as:

- (a) the installation, maintenance and removal of the suite
- (b) the period of occupancy of the suite by any of the persons named in the agreement
- (c) the monetary or other form of security that the council may require for actual or potential costs to the municipality related to the suite.

In addition, Bill 163 introduces a system of development permit procedures which give municipalities the option of using that technique to control the installation of garden suites.

8.0 MANITOBA

8.1 Urban and Rural Municipalities

Except in the city of Winnipeg, land use and development in Manitoba is regulated by the Manitoba Planning Act. Although Section 41(1) of the Planning Act restricts the number of dwelling units per parcel to one, Section 41(4) can be interpreted to mean that this restriction does not prevail where an existing zoning by-law or planning scheme authorizes the construction, location or placement of a second dwelling on a parcel. Under Section 42(1), however, a zoning by-law can only be enacted where a development plan or basic planning statement has

been adopted. The by-law must conform to that plan or statement. This means that if a municipality enacts a development plan which allows for garden suites, the zoning by-law can be amended accordingly. Because development plans may deal with broad policy matters rather than specific housing forms such as garden suites, a policy adopted through a resolution of council may provide appropriate authority for amending the zoning by-law. Regardless, in Manitoba the implementation of garden suite development is a matter of municipal discretion through the zoning by-law.

Section 43(1) of the Planning Act states that a zoning by-law shall prescribe all permitted or conditional uses within each zone. Garden suites, therefore, could be considered as being either a permitted or conditional use in any zones which allow for single family dwellings.

Section 43(2) of the Act permits municipalities to make provisions in the zoning by-law relating to development standards for both permitted and conditional uses dealing with matters such as use of land and buildings; the number of buildings; the maximum and minimum floor area of each building; site coverage; the location, height, dimensions and cubic contents of buildings; and the minimum distance which must exist between the windows of buildings in order to ensure adequate air, light and fire protection. This allows municipalities to develop and implement appropriate development regulations for garden suites similar to those described in general terms in Part Three of this Guide.

The amendment of a zoning by-law to allow for garden suites as either a permitted or conditional use in certain zones where single family dwellings are permitted requires that council give first reading to the by-law amendment and hold a public meeting before giving second and third reading to the amendment. The standard by-law procedure is followed to announce a public meeting; that is, all relevant information concerning the intent to hold a meeting is published in two consecutive weekly editions of the local newspaper. The meeting is usually held as part of a regular meeting of council; second and third readings may be given at that meeting following the public component at a subsequent meeting as directed by council.

This same process is followed where application is made to amend

the by-law on a site-specific basis. In addition, however, property owners within 300 feet of the site are notified no later than 14 days before the public meeting, and a notice of the intended amendment and the meeting date is posted on or near the affected site for two weeks prior to the public meeting.

If garden suites are prescribed by a zoning by-law to be a conditional use in certain zones, Section 59 of the Planning Act applies. Under this Section, an application for a conditional use must be made to council by the owner of the land, building or structure. The council must then give notice of, and hold a hearing regarding, the application within 30 days after the application is filed. Property owners within 150 feet of the affected site, as well as owners of adjoining properties and of properties located across the street or lane from the affected site, must be notified of the hearing. Both the applicant and any affected property owners, can make representation at the hearing.

Once garden suites are recognized as a permitted or conditional use in certain prescribed zones and appropriate standards are incorporated into a zoning by-law, the development officer may consider applications for development permits for garden suite developments.

Section 57 of the Planning Act allows for an appeal process permitting any person who fears that his property or his rights are adversely affected by a zoning by-law or planning scheme to make application to the municipal variation board for a variation order.

Finally, Section 80 of the Act provides the municipality the power to enforce any by-law so that potential abuse of garden suite developments can be acted upon.

To summarize, municipalities in Manitoba interested in accommodating garden suite development have three options to consider as they relate to the zoning by-law.

First, the zoning by-law can be amended to allow garden suites as a permitted use in certain existing zones which also permit single family dwellings. This option entails one general public meeting and, once the amendment is approved, allows garden suite development in the

affected zones without any further public input and without conditions as long as all the development standards prescribed by the by-law are met.

Second, the zoning by-law can be amended to establish a garden suite zone to be applied on a site-specific basis. The same public meeting process is followed initially in amending the by-law to incorporate such a zone but, when an application is made to amend the by-law for a particular site, the general public meeting process must again be followed and all property owners within 300 feet of the affected site must also be notified. This process seems cumbersome in light of the nature and scale of garden suite development, particularly since the potential impact is confined to a very small area.

Third, the zoning by-law can be amended to allow garden suites as a conditional use within certain existing zones which permit single family dwellings. Once again, as with any by-law, an amendment to allow for garden suites would entail holding a general public meeting. However, all subsequent applications to develop a garden suite would result in the notification only of property owners located within 150 feet of the affected property that a public hearing must be held by council in regard to any conditional use. This option appears most appropriate, given the nature and scale of garden suite development. It would ensure that neighbours who might be affected by a garden suite have adequate opportunity to voice concerns and to learn about the proposal at a hearing. After the hearing, council may reject the application or approve the application subject to certain conditions. This provides the municipality the opportunity to impose conditions ensuring, for example, that the garden suite is used by the intended occupant and is removed when it is no longer required by that occupant. It also provides the municipality with some latitude to accommodate any unique siting requirements and concerns of adjoining property owners.

8.2 City of Winnipeg

The legislation which applies to all forms of development in Winnipeg is the City of Winnipeg Act. Under Section 589 of the Act, the City may adopt a development (zoning) by-law to control the use of land,

buildings and development. This by-law may provide for the classification of land and buildings as well as the number, floor area, dimensions, lot coverage, location and design details of dwelling units permitted on a parcel. This section permits the City to allow and regulate garden suite developmen.

The City of Winnipeg's existing development by-law does not recognize garden suites. The City is currently reviewing its by-law and is formulating policy guidelines to accommodate garden suites. In the interim, the City is reviewing garden suite applications on a case-by-case basis and, at the time of writing, had approved two such applications under Section 608(4) of the City of Winnipeg Act, which permits the City to authorize a temporary variance of use to enable a property owner to use a building or land in a manner that is contrary to the existing development by-law or is temporary in nature. Approval for a temporary variance of use may be for a period not to exceed a period of five years.

9.0 SASKATCHEWAN

9.1 Urban and Rural Municipalities

The regulation and approval of garden suites for most urban and rural municipalities in Saskatchewan is a zoning responsibility undertaken at the local municipal government level. The mandate for this level of zoning is contained in Saskatchewan's Planning and Development Act, 1983. Section 67 of the Act authorizes municipal councils to prepare and adopt zoning by-laws but only in conjunction with a development plan or basic planning statement.

A basic planning statement must contain a statement of objectives for future development of the municipality and a statement of objectives to be accomplished by a zoning by-law. The intent of the objectives is to provide a general framework for preparing more detailed zoning by-laws. As such, garden suites can be provided for and regulated by the zoning by-law and a specific objective related to garden suites may not required as part of the basic planning statement.

Development plans serve primarily as a framework for making

development decisions. They may contain statements of policy on matters such as housing, including policies related to garden suites. In addition, policies that deal in a general way with housing may encompass garden suites and enable municipalities to amend their zoning by-law to accommodate garden suite development.

A zoning by-law may prescribe permitted and discretionary uses of land, buildings, and forms of development within districts established under the by-law. When consistent with the dynamics of a particular municipality, garden suites can be built in most conventional, low-density residential districts as either a permitted or discretionary use. Elsewhere, a specific garden suite district can be established to suit site-specific zoning.

Classes of development that are subject to special regulations, performance standards or development standards may also be prescribed by zoning by-laws. Such regulations and special provisions may be particularly applicable for garden suites, in light of their unique occupancy and siting features.

Section 73 of the Planning and Development Act that enables a municipality to implement garden suite development, allows provisions to be made in a zoning by-law dealing with site coverage, the location, height, number of storeys, area, volume or dimension of buildings and landscaping and density. Time restrictions allowing for temporary development permits also may be considered as a means of ensuring the timely removal of garden suite units once they are no longer required.

Because of the varied and unique siting characteristics which may be associated with unit placement Section 83(1) of the Act may be considered as needed. This section authorizes exceptions to development standards required by the by-law in special cases.

Finally, when a rezoning is required Section 82 of the Planning Act allows councils to enter into an agreement setting out reasonable terms and conditions for the uses of land and buildings. This may allow a council to set up a standard agreement to apply to garden suite rezoning applications which would clearly state the occupancy, relationship and removal conditions inherent to the garden suite

concept. A bond may also be posted which would assist in ensuring that the unit is removed as specified under the agreement. This provision applies only for rezoning, however, and it must be registered as a caveat on the parcel. As such, it may be difficult or inappropriate to apply universally.

Where garden suites are listed as a discretionary use in certain residential districts, Section 74 of the Planning and Development Act requires council to consider applications for development permits to place a garden suite unit. In approving such an application, council may prescribe specific development standards with respect to the form of development. This Section would enable municipalities to evaluate garden suites on a case-by-case basis without amending the zoning by-law for a specific site and to apply development standards which are uniquely appropriate for each situation. Greater municipal control could result. An applicant who is not satisfied with the conditions has the option of appealing council's decision before the Development Appeals Board.

The amendment of a zoning by-law to allow for garden suites as either a permitted or discretionary use within certain existing residential districts, or to create a garden suite district permitting garden suites along with single family dwelling units, requires a standard by-law amendment procedure. The public participation component of the procedure, outlined in Part IX of the Planning Act, requires council to give notice of its intention to pass a zoning by-law amendment and hold a public meeting in two consecutive issues of the local newspaper. In addition, where council proposes to amend the zoning by-law with respect to districts provided for in that by-law, all affected property owners must be provided with written notice to that effect.

Based upon the provisions of the Planning Act, municipalities in Saskatchewan may follow one of three methods for accommodating garden suites in their zoning by-laws.

First, the zoning by-law can be amended to allow garden suites as a permitted use in certain existing zones which also permit single family dwellings. This option entails one general public hearing and, once the amendment is approved, would allow garden suite development in the

affected zones without any further public input and without conditions as long as all the development standards prescribed by the by-law are met. All property owners affected by this change to conventional residential districts are given written notice of the proposed amendment.

Second, the zoning by-law can be amended to establish a garden suite zone to be applied on a site-specific basis. The public hearing process prescribed in Part IX of the Planning Act is followed whenever an application is made to amend the by-law for a particular site. The nature, scale and limited impact of garden suite placement may make this process unwieldy and excessive. However, it may provide the opportunity to enter into a development agreement with the applicant which could prescribe certain occupancy, relationship and removal conditions which are particularly significant in ensuring the appropriate implementation of garden suite development.

Third, the zoning by-law can be amended to allow garden suites as a discretionary use within certain existing zones which permit single family dwellings. As with any by-law amendment, the amendment to allow for garden suites would entail holding a general public hearing. All subsequent garden suite development applications would be considered by council, however, and specific development standards could be applied. The applicant may, under certain circumstances pursuant to the Act, appeal the conditions to the Development Appeals Board. This would allow the municipality the greatest degree of control over garden suite development.

9.2 Planning Areas in Northern Saskatchewan

For those portions of the Northern Saskatchewan Administration District designated by the minister as a planning area under Section 131.1 of the Planning and Development Act, a land use plan may be prescribed along with development controls similar in content and intent to a basic planning statement or development plan and a zoning by-law. A similar public participation process is also followed. Garden suite development, therefore, can be implemented in much the same manner as for municipalities located outside the Administration District, except that approval is at the provincial, rather than the local level.

10.0 ALBERTA

Subsection 78(1) of the Alberta Planning Act limits the number of dwelling units on a parcel to one. However, with recent amendments to the Act, a municipal development officer may issue a development permit exempting specific persons or land from this subsection. In Alberta, therefore, the placement of a garden suite as a second dwelling unit is a matter of local municipal discretion.

Although the Act requires that the garden suite be placed pursuant to a land use by-law, the development officer may issue a permit as long as it does not contravene the by-law. Section 68 of the Act requires that all municipalities with a population of 1,000 or more shall pass a land use by-law and that municipalities with a population of less than 1,000 may pass a land use by-law. Most Alberta municipalities, therefore, have a land use by-law, and, unless specific reference is made restricting the number of units permitted on a parcel, they may allow a second dwelling unit, such as a garden suite.

Municipalities interested in implementing garden suite development may amend their land use by-laws either to allow garden suites as a permitted or discretionary use in conventional residential land use districts, or to establish a separate garden suite land use district. In light of Alberta's planning system and the powers of exemption granted the development officer under Section 78 of the Act, a separate garden suite land use district is likely not warranted. Since a waiver of Section 78 is required as part of a development permit to place a garden suite unit, it may be appropriate to identify garden suites as a discretionary rather than a permitted use in conventional single family districts. This provides the development officer greater flexibility in evaluating each proposal on its individual merits in applying development standards. The land use by-law may prescribe development standards related to such matters as site coverage, setbacks, height restrictions, landscaping and parking, all of which are particularly applicable to garden suite developments. Appropriate standards are discussed in Part Three of this Guide.

In addition to prescribing development standards, Section 69 of the

Planning Act allows a land use by-law to make provision for temporary development permits, for the conditions that may be attached to a particular type of permit, and for some flexibility in reviewing development permit applications. Section 69 also allows councils to establish any agreement they deem necessary for certain types of permits. These provisions again are particularly relevant in the case of development permits for garden suites in that occupancy and unit removal restrictions can be put into effect and unique siting conditions can be stipulated. Experience in Alberta suggests that mandatory neighbourhood input may be appropriate when development permit applications for garden suites are reviewed.

The Alberta Planning Act allows for a standard public participation procedure in approving by-law amendments which entails giving notice of, and holding, a public hearing before a by-law second reading. In addition to the notice given in two issues of a local newspaper, property owners affected by an amendment to the land use by-law are given written notice of council's intent.

Finally, Section 81 of the Act enables a municipality to order a property owner to remove a garden suite unit when the conditions agreed upon are no longer applicable.

Because of the need to exempt persons or land from the operations of Section 78(1), which limits the number of dwelling units on a parcel to one, only two options are available under the Planning Act to Alberta municipalities interested in implementing garden suite development.

First, the land use by-law can be amended to allow for garden suites as a discretionary use in conventional residential land use districts. Appropriate standards and conditions may be prescribed by the amendment.

Second, the development officer can exercise discretion under Section 78 of the Act and issue a development permit for a garden suite as a second dwelling unit on a parcel as long as such action does not contravene the local land use by-law. Once again, development criteria similar to those outlined in Part Three of this guide can be applied.

Under the Alberta Planning Act, the applicant for a development permit and affected property owners are all provided the right of

appeal, either before a development appeal board, or council, depending upon the size of the municipality.

11.0 BRITISH COLUMBIA

Part 29 of the British Columbia Municipal Act empowers local municipalities, through a zoning by-law, to regulate the use of land, buildings and structures; the density of the use of land, buildings and structures; and, the siting, size and dimensions of buildings and structures and uses that are permitted on the land.

For rural planning areas as designated by the Minister of Municipal Affairs, a rural land use by-law, similar in intent to the municipal zoning by-law, may be adopted by a regional board. In British Columbia, therefore, garden suite development may be implemented at the local level at the discretion of local municipal governments.

The Act also allows local governments to establish a procedure for issuing development permits and imposing certain standards and limited conditions on permits. This may enable municipalities to apply some of the general standards for garden suite development identified in Part Three of this Guide.

The public hearing process for by-law amendments is prescribed in Part 29 of the Municipal Act. The process basically replicates the standard by-law approval process which requires notice of public hearings which must be held after first reading and before third reading.

Part 29 also requires any local government which adopts a zoning by-law to establish a board of variance. Any person may ask the board to consider an application if undue hardship will be caused by compliance with a by-law respecting such matters as siting of a building. After hearing the applicant and any other affected person, the board may issue an order in favour of the applicant if it does not deem that the application will result in inappropriate use of the site, adversely affect adjacent property owners, vary permitted use, or defeat the intent of the by-law. This may be an option for individuals interested in placing a garden suite which does not require an amendment to the

zoning by-law, as long as such placement is not contrary to the intent of the by-law as interpreted by the municipality. It is important to note that the board of variance cannot vary density. Where placement of a garden suite unit would result in increased density, therefore, this option may not be appropriate.

In lieu of amending the zoning by-law, and depending upon local conditions and demand, Part 29 allows a local government, by resolution, to issue a development variance permit. A development variance permit shall not vary the use or density of land as specified by a zoning by-law. Depending upon the degree of flexibility incorporated into a by-law, however, and recognizing the use of, and minimal density impact related to, a garden suite development, a development variance permit may provide yet another alternative for accommodating garden suites without amending local by-laws.

Some local governments in British Columbia, including Surrey and Vancouver, have amended their zoning by-laws to allow for secondary suites in certain residential zones. Although the suites must be attached to the main dwelling and, therefore, do not specifically apply to the garden suite concept, the planning policies which resulted in the amendments recognize a need to promote affordable housing choices and are applicable to garden suites. Furthermore, the Province of British Columbia recently passed Bill 20 which mandates local governments to include policies in their official community plans pertaining to affordable, rental and special needs housing. The Bill was passed on the premise that local governments have a critical role to play in providing necessary housing options.

Subsequent provincial initiatives have further supported this position and have resulted in recommendations encouraging municipalities to consider inclusionary, rather than exclusionary, zoning principles. This represents a significant departure from the traditional approach to zoning. There is ample provincial support in British Columbia, therefore, for municipalities to amend their zoning by-laws to allow for garden suites.

In Surrey, Council adopted a Secondary Suite Policy Area Map pursuant to the zoning by-law showing three categories of areas where

suites are permitted through a spot rezoning process; permitted by an area rezoning process; not permitted in exclusively single family areas.

The Surrey example serves as a precedent for municipalities interested in implementing their mandate through sensitive increase in densities and could easily serve as a model for dealing with zoning amendments related to garden suite development.

Vancouver's zoning by-law allows for family suites with prescribed occupancy and familial relationships which generally reflect those of the garden suite concept, but, as is the case with Surrey, the suite cannot be in the form of a separate dwelling. Once again, however, municipalities interested in implementing garden suite development may wish to consider some of the features of the Vancouver family suite zoning in terms of applicability to the garden suite concept and the drafting of appropriate policies and amendments to local by-laws. It should be noted that proof of the familial relationship requires a signed affidavit.

12.0 NORTHWEST TERRITORIES

The Planning Act of the Northwest Territories provides municipalities with the power to approve and regulate garden suite development through their local planning instruments. Specifically, Section 2 of the Act allows a council of a municipality to prepare a general municipal plan which must include proposals as to the content of a zoning by-law.

Sections 13 and 14 of the Planning Act allow a council to pass a zoning by-law which must conform to the general municipal plan; may divide the municipality into land use classes; and, may specify the purposes for which the land and buildings within each class may be used.

Although garden suite development may not be specifically dealt with at the broad general municipal plan level, according to territorial legislation, a zoning by-law can permit garden suites in appropriate conventional low density residential zones as long as the intent of the general plan is not contravened. Alternatively, a garden suite zone can be established and applied on a site-specific basis. It is important to

note that, although councils may pass zoning by-laws, Section 26 of the Planning Act requires that all by-laws and by-law amendments be approved by the Minister.

The zoning by-law may contain provisions to regulate, in any zone, such matters as: the floor area, bulk and height of buildings; the required setbacks from property lines around buildings; the placement, arrangement and maintenance of building on their site; the design, character and appearance of buildings; and the minimum site area of parcels required for particular uses of land and buildings. As discussed in Part Three, such regulations are particularly relevant in placing garden suite units on a parcel.

Subsection 15(e) of the Planning Act also may be relevant for municipalities interested in amending their zoning by-laws to accommodate garden suite development. This subsection allows council, through a zoning by-law, to modify the building regulations published under the National Building Code of Canada. As such, council could exercise more direct control over the form of garden suite development.

Any amendment to the zoning by-law requires that council hold a public hearing after giving the by-law first reading. Notice of the hearing must be published in two consecutive issues of the local newspaper or posted in three public places in the municipality. No further notice to affected property owners is required.

The zoning by-law must provide for a development appeal board and any person claiming to be affected by a decision of a council or a development officer may file an appeal with the board.

Municipalities in the Northwest Territories can use one of two methods in applying the zoning by-law to accommodate garden suites.

First, the by-law can be amended to permit garden suites in existing appropriate zones which allow single family development. This would result in one public hearing and, once the amendment is approved, would allow garden suite development to occur as per the standards contained in the by-law.

Second, the zoning by-law could be amended to allow for a garden suite zone to be applied on a site-specific basis. A public hearing

would be required each time a rezoning application to place a garden suite is received. Ministerial approval also would be required. The same development standards would be applied for each application. There are no apparent benefits to using this approach which is more cumbersome than the first and results in excessive public hearings which may not be warranted in light of the nature, extent and potential impact of garden suites, particularly since the by-law must allow any person to file an appeal with the development appeal board.

An option to amending the zoning by-law to allow for garden suites is provided by Subsection 17(2) of the Planning Act. This subsection states that a zoning by-law may provide council or the development officer with authority to determine whether or not a specific use of a land or building that is not provided for in the zoning by-law is similar in character and purpose to another permitted use that is included in the list of permitted uses for that zone. This may be interpreted to mean that the development officer or council has the discretion to approve a development permit to place a garden suite in any zone in which single family dwellings are a permitted use. Where demand for garden suites is low, this represents a viable option to amending the zoning by-law.

13.0 YUKON TERRITORY

13.1 Unincorporated Rural Areas

The Yukon Area Development Act regulates the orderly development and use of much of the rural, unincorporated regions of the Yukon. Under the Act, the Commissioner in the Executive Council may designate a development area and make regulations for that area respecting such matters as the zoning of the land, and the regulation or prohibition of the erection, maintenance, alteration, repair or removal of buildings.

These regulations, therefore, may deal with such matters as permitting a garden suite as a second dwelling on a parcel. At the time of writing, with one exception, none of the existing Area Development Plans/Regulations permitted a second dwelling on a parcel. The one exception permits a second dwelling on a parcel only where the land is

commonly held. Area development regulations can be amended by the Commissioner, or his designate, to allow garden suite development. However, no interest or demand to do so is currently evident. Regulations do make provision for appeals which may consider individual requests to place a garden suite unit.

13.2 Incorporated Municipal Areas

Planning, land use and development in incorporated municipalities in the Yukon is legislated under Part 7 of the Municipal Act. Division 1 of that Part requires that a municipality adopt an official community plan to serve as a framework for development policies. Division 2 deals with zoning by-laws and states that a zoning by-law must conform to an official community plan. As long as garden suite placement does not contravene the official community plan, such development can be considered by a zoning by-law. A municipality may amend its official plan to recognize garden suites; however most such plans deal with an overall framework and do not consider specific housing forms.

A zoning by-law may provide for a system of issuing development and use permits, may prescribe the development permitted in a district for which no development permit shall be required, and may establish zones or districts. The use of land and buildings within these zones may be permitted, regulated or prohibited. As such, garden suites could be a permitted, regulated use within conventional residential zones.

Subsection 312(3)(d) may be particularly applicable in the case of regulating garden suites to ensure implementation of the concept as contemplated by this guide. This subsection allows municipalities to prescribe the class of buildings that shall be subjected to special regulations or standards so that the unique occupancy, placement and removal aspects of garden suite development can be accommodated. The zoning by-law also may deal with such garden suite related development matters as the location, height, number of storeys, area and volume of buildings, and site coverage.

Any amendment to the zoning by-law requires that council give notice of the proposed amendment in two successive issues of a newspaper circulating in the affected area and to each assessed property owner

within 100 metres of the site. Council must hold a public hearing before passing the amendment. Amendments must be approved by the Executive Council Member before they are valid. In the Yukon, therefore, development of garden suites is not at the sole discretion of the local municipality. Territorial government approval may be required.

The zoning by-law must provide for a board of variance. However, Section 354 of the Municipal Act states that a person may file an appeal with the board only if council has misapplied the official community plan or zoning by-law, or if practical difficulties and hardships result by reason of unusual physical conditions of the specified property. Neither case is likely to apply if garden suites are recognized by the zoning by-law.

Municipalities in the Yukon Territory with a zoning by-law can use one of two options to accommodate garden suites.

First, the by-law can be amended to permit garden suites in existing appropriate zones which allow single family development. This would result in one public hearing and, once the amendment is approved by council and the Executive Council Member, would allow garden suite development to occur as per the standards contained in the by-law.

Second, the zoning by-law could be amended to allow for a garden suite zone to be applied on a site-specific basis. A public hearing and Executive Council approval would be required each time a rezoning application to place a garden suite is received. This option is more cumbersome than the first and results in excessive public hearings which may not be warranted in light of the nature, extent and potential impact of garden suites.

The Complete Guide to Garden Suites (NHA 6853) consists of eight parts.

- 1) **The Garden Suite Concept**, NHA 6855
- 2) **Information for Occupants, Host Families, Owners and Suppliers**, NHA 6857
- 3) **Guidelines for Municipal Approval**, NHA 6859
- 4) **Provincial and Territorial Planning Act Provisions**, NHA 6861
- 5) **Sample Implementation Documents**, NHA 6863
- 6) **Examples of Installed Garden Suites**, NHA 6865
- 7) **Information Sources**, NHA 6867
- 8) **References**, NHA 6869

To order copies of any or all parts of **The Complete Guide to Garden Suites**,
call 1 800 668 CMHC.

Please specify titles and NHA numbers.



PART FIVE:

SAMPLE IMPLEMENTATION DOCUMENTS



Canada Mortgage and
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PART FIVE:

SAMPLE IMPLEMENTATION DOCUMENTS

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For details, contact your local CMHC office.*

*Printed in Canada
Produced by CMHC*

*Sample Implementation Documents comprises Part Five of *The Complete Guide to Garden Suites*, NHA 6853.*

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PART FIVE:**SAMPLE IMPLEMENTATION DOCUMENTS****1.0 INTRODUCTION**

The legislative framework for municipal approval of garden suites across Canada, as set out in Part Four of this Guide, offers considerable variation in the procedures necessary to deal with this matter. In addition, localized circumstances and the contents of existing planning policy documents and land use control by-laws vary considerably. It is not possible, therefore, to produce a set of model development control and implementation documents that can be universally applied across Canada without any modification.

Nevertheless, the samples in this Section will facilitate the preparation of suitable documents in the appropriate formats, and with the content necessary, to suit the varying circumstances and situations in most municipalities across the country. Also, these samples will provide municipalities with much of the substantive content needed to produce those documents that may be required in the processing of applications for the installation of garden suites. Municipalities can modify them as required to suit their specialized circumstances and meet their local needs and concerns.

**2.0 SAMPLE GARDEN SUITE PLANNING
POLICY STATEMENT****2.1 Basis for a Garden Suite Policy**

At present, approximately 12 percent of the Canadian population is 65 years of age or older. However, by the year 2030, when all of the 'baby boom' generation have become seniors, close to 25 percent of Canadians will be 65 or older. There is

now, and there will continue to be, a broad diversity of backgrounds, interests and levels of health, fitness, income and assets, that influence the housing needs and preferences of elderly Canadians.

A substantial number of Canadian seniors have the financial security to maintain independent lifestyles in the type and form of housing of their choosing, but because of health or mobility restrictions, they require direct and ready access to a range of support services. Such support may be limited to the ministering of medications or therapy on a regular time-table, or assistance with transportation for shopping or socializing.

Varying forms of housing arrangements are available to enable senior individuals or couples to sustain independent lifestyles while having access to support services provided by family, friends, or specialized agencies. A housing form that permits independent living with support provided by children, grandchildren, family members, or relatives is the garden suite.

A garden suite is a one-storey, basementless, one or two bedroom self-contained dwelling that is installed temporarily as a free-standing unit in the side or rear yard of a parcel of land on which a permanent single house is already situated.

The garden suite is occupied by senior individuals or couples who are able to live independently in it. The house on the same property is occupied by children, grand-children, younger family members, or relatives of the occupants of the garden suite. The individuals in the house are referred to as the "host family". There may be situations where this housing arrangement is appropriate for persons who are younger than 65 but have a disability.

Under any circumstances, the occupants of the garden suite can live independently while receiving whatever care or support services that they may require from the members of the "host family". They also enjoy the companionship and security of living in close proximity to the host family. At the same time, both the garden suite occupants and the host family members retain more privacy and independence than if they shared the same accommodation.

The occupancy of the garden suite is limited to the specific individual or couple for whom it was installed. Should those persons cease to occupy the garden suite it must be removed from the property unless special arrangements are made for it to be occupied by another individual or couple who are eligible to do so by virtue of their age or disability and relationship to the host family. Under most circumstances, however, the garden suite will have to be removed when it ceases to be occupied by its original residents. For that reason, garden suite installations are regarded to be of a temporary nature.

2.2 The Garden Suite Policy

2.2.1 Criteria for Garden Suite Installations

Notwithstanding any other provisions of this document relating to residential districts or neighbourhoods within which single family dwellings are a permitted use, by-laws may be passed to permit the temporary installation of a garden suite on a property on which there is a permanent single family dwelling provided that:

- (a) the garden suite will be occupied only by individuals who are 65 years old or older, or

- who may be younger than that age if they have a disability;
- (b) the permanent single family dwelling on the property is, and will continue to be, occupied by a relative of the senior(s) or disabled individual(s) who will occupy the garden suite;
- (c) the garden suite will be accessory to the permanent single family dwelling on the property with respect to its services and utilities which must, in so far as is possible, be connected to the services and utilities of the permanent dwelling;
- (d) the garden suite will generally be situated in the side or rear yard and not in a front yard;
- (e) the garden suite will not be situated over any existing underground services or utilities;
- (f) the garden suite will not encroach upon any permanent easements registered on the title to the property;
- (g) there is a designated parking space on the property for the occupants of the garden suite, or unrestricted parking is available on a street or lane abutting the property, except that the parking requirement may be waived where the stipulated occupants of the garden suite do not and will not operate a motor vehicle;
- (h) the garden suite design will be compatible with, or will blend in with the design, materials and colours of the house on the same property as well as the houses on adjacent properties and reflect the general neighbourhood character;
- (i) the installation of the garden suite will not

interfere with, nor disrupt, the existing surface water drainage pattern on adjacent properties, nor cause any ponding of storm water;

- (j) the land use control by-law, and any agreement, license or permit regulating the installation of a garden suite, will be subject to renewal at time intervals to be set out in the by-law, agreement license or permit, and such by-law, agreement, license or permit will contain penalty provisions that will be invoked if application is not made for their renewal at the appropriate time; and,
- (k) all garden suite installations will be subject to a license, permit, or agreement registered on the title to the property, and such license, permit or agreement will, among other matters, stipulate:
 - (i) the names of the specific individuals who will be entitled to occupy the garden suite;
 - (ii) the mutual obligations of the garden suite owner/supplier and the property owner/host family with respect to its installation, removal when no longer required, and the restoration of the property after its removal;
 - (iii) that the garden suite must be removed within a stipulated time period following the termination of its occupancy by the stipulated individuals;
 - (iv) the right of the municipality with prior notification to enter upon the property and into the garden suite at periodic intervals to ascertain compliance with the provisions of the license, permit or agreement;
 - (v) the monetary, performance bond, or

other security that the municipality requires to cover any actual or potential costs that it may incur related to the installation or removal of the garden suite; and,

- (vi) the penalties that will be invoked for failure to comply with the terms of the license, permit or agreement.

2.2.2 Reduction of Time Period and Circulation

Area for Notices of Statutory Public Hearings

Where deemed appropriate, in order to expedite the processing of applications for approval to install a garden suite, the council may reduce the notice period for a public hearing on the application to 14 days, and may reduce the area within which notices must be sent by mail to a distance that is not less than 50 metres in all directions from the boundaries of the property that is the subject of the application.

2.2.3 Informal 'Tea Parties' by Applicants

The municipality will encourage the applicants to convene an informal 'tea party' information meeting of their neighbours in advance of the formal consideration of the application by the Council. Appropriate municipal personnel will be available to attend such informal tea party meetings.

Informal tea party meetings will be in addition to, and be held in advance of any formal statutory public hearings that may be required.

3.0 LAND USE CONTROL (ZONING) BY-LAW REQUIREMENTS

3.1 In this by-law, garden suite means: a portable or demountable one-storey, basementless, one or two bedroom self-contained dwelling unit that is to be occupied exclusively by stipulated individuals who are 65 years of age, or older, but who may be younger than 65 if they have a disability, and that is installed temporarily on a parcel of land on which a permanent single-family dwelling is already situated.

3.2 Notwithstanding any other provisions of this by-law to the contrary, a garden suite may be installed on the parcel of land shown on Schedule "A" attached hereto and forming a part of this by-law provided that:

3.2.1 The garden suite is situated only within the area of the property shown outlined on Schedule "A" subject to the following:

3.2.1.1 The minimum setback from the rear and interior side property boundaries of an interior lot shall not be less than:

- (a) 0.4m where
 - (i) there are no buildings or structures or only windowless walls of any buildings or structures, on the adjacent lot immediately opposite the garden suite, and
 - (ii) there will be no windows or doors in the walls of the garden suite facing such rear or interior side property boundaries;
- (b) 1.5m where the wall of the garden suite will contain a door or window facing such rear or interior side property boundary, provided

that the wall of the garden suite adjacent to the rear or interior side property boundary faces

- (i) an unobstructed open yard space on the adjacent property, or
 - (ii) only a windowless wall of any building or structure on the adjacent lot immediately opposite the garden suite;
- (c) 1.5m where the wall of the garden suite adjacent to the rear or interior side property boundary will contain no doors or windows but will face a door or window in the wall of any building or structure on the adjacent lot immediately opposite the garden suite; and,
 - (d) 3.0m where the wall of the garden suite adjacent to the rear or interior side property boundary will contain a door or window and will face a door or window in the wall of any building or structure on the adjacent lot immediately opposite the garden suite.

3.2.1.2 The minimum setback from the exterior side property boundary of a corner lot shall not be less than the setback from the street line to the main side wall of the house on the same property.

3.2.1.3 The maximum height of the garden suite will not be greater than one storey and the distance between the average finished grade at the perimeter of the garden suite to the highest point on the roof shall not exceed 4.5 m.

3.2.1.4 The maximum coverage of all buildings and structures on the lot including the garden suite will not exceed 60 percent of the lot area.

3.2.1.5 The maximum gross floor area of the garden suite measured between the exterior faces of the exterior walls shall not exceed 60.0 square metres.

3.2.1.6 The maximum separation distance between the garden suite and the permanent dwelling or a garage on the same property shall not be less than

- (a) 1.5 metres where there are no windows in the facing wall of the garden suite and the permanent dwelling or garage;
- (b) 3.5 metres where
 - (i) a wall containing windows of a garden suite faces a windowless wall of the permanent dwelling, or any wall of a garage, or
 - (ii) a wall containing windows of the permanent dwelling faces a windowless wall of the garden suite;
- (c) 4.0 metres where a wall containing windows of a garden suite faces a wall containing windows of the permanent dwelling.

3.2.2 There shall be a designated parking space on the property for the occupants of the garden suite except that such parking need not be provided where

- (a) unrestricted parking is available on a street or lane that abuts the property, or
- (b) the stipulated occupants of the garden suite do not own and will not operate a motor vehicle.

3.2.2.1 Walkways, planting, landscaping, fences and privacy screens shall be installed substantially

as shown on Schedule "A" and as shown on the site plan drawings on file with the municipality.

3.2.2.2

- (a) This by-law will be in effect for a period of ten years from the date that it comes into force at the expiry of which time the garden suite will be removed from the property unless approval has been given by Council By-law or resolution to an application to renew this by-law for an additional stated number of years.
- (b) The retention of the garden suite on the property that is the subject of this by-law, following the expiry of ten years and without an application having been made for renewal of this by-law by the municipality, will render the property owner liable to a penalty not to exceed \$_____ for every day that the garden suite remains in place prior to the application for a by-law renewal being made, or a Termination Agreement being executed.

Note: The provisions in this section are all written with reference to an "agreement". They can be equally well incorporated into licenses or permits by appropriate changes to that terminology. Where local practice involves the use of combinations of agreements, licenses and permits, the appropriate provisions can be distributed between those documents.

4.0 PROVISIONS OF A GARDEN SUITE AGREEMENT, LICENSE OR PERMIT

4.1 Parties

This agreement is binding upon the following parties:

- (a) the owner/supplier of the garden suite, which is _____;
- (b) the housing agency administering the program under which the garden suite is being installed, which is _____;
- (c) the registered owner of the property on which the garden suite is to be installed, who is _____; and
- (d) the municipality, which is the Corporation of the Municipality of _____.

4.2 Property Identification

This agreement applies to the installation of a garden suite on the property known municipally as _____ being lot _____ on registered plan _____.

4.3 The Garden Suite to be Installed

This agreement enables the garden suite described in the architectural drawings and specifications in Schedule A, attached hereto and forming part of this agreement, to be installed upon the property identified in clause 2.

4.4 Occupants of the Garden Suite

The garden suite to be installed upon the property identified in clause 2 shall be occupied only by the following named individuals:

4.5 Siting and Installation of the Garden Suite

- (a) The garden suite depicted in Schedule "A" hereto shall be situated on the subject property in conformity with the provisions of temporary use zoning by-law number _____

passed by the Council of the municipality of _____ on _____, or development permit number _____, or license number _____.

- (b) The garden suite shall be installed in the manner shown on the site plan included in Schedule "B" attached hereto and forming part of the agreement, and all walkways; paths; ramps; landscaping and planting materials; fences and privacy screens; underground services and utilities and overhead wiring, shall be in the locations and constructed of the materials and in keeping with the dimensions shown, on the site plan in Schedule "B".

4.6 Permits and Inspections

- (a) The construction of the foundations, the installation of underground services and utilities and the installation of the garden suite shall not take place until all permits required under the by-laws of the municipality have been issued.
- (b) Where inspections by the municipality are required by its by-laws, it shall be the responsibility of the property owner, or its agent, to advise the municipality of the completion of work requiring an inspection, and succeeding construction activities shall not proceed until the inspection has been completed and a certificate of compliance has been issued by the municipality.

4.7 Temporary Relocation of Overhead Wires, Fences, Garden Walls or Landscape Materials

Should the installation of the garden suite necessitate the temporary relocation of any overhead wires, or of any fences, garden walls or landscape materials, it will be the responsibility of the property owner to make arrangements for the completion of such works in a timely manner, to obtain any approvals or permits necessary, to ensure that the elements moved are restored to a satisfactory condition, and to bear any costs associated with such works.

4.8 Damage to Municipal Property

Should the installation or removal of the garden suite on the subject property result in any physical damage to sidewalks, curbs, gutters, road pavement, boulevard planting, or any other materials that are the property of the municipality, the costs of repairing such damage and restoring the materials to a condition satisfactory and acceptable to the municipality shall be borne by the property owner.

4.9 Occupancy of the Garden Suite

The occupants stipulated in clause 4 shall not occupy the garden suite after its installation until an occupancy certificate or other written authorization is given by the municipality indicating that the garden suite is fit for human habitation by virtue of the availability of operational water supply, sanitary sewerage, electricity and natural gas services, as well as operational kitchen and bathroom facilities.

4.10 Verification of Occupancy

- (a) Not later than one week following the annual anniversary dates of this agreement, the property owner shall verify by signed

affidavit that the occupants stipulated in clause 4 are the sole persons residing in the garden suite.

- (b) If the verification of occupancy required by clause 10(a) is not provided to the municipality, or if the municipality is advised or has reason to believe that the stipulated occupants have ceased to reside in the garden suite, the municipality shall be entitled at any time of a weekday, between the hours of 8:30 a.m. and 4:30 p.m., to enter upon the subject property without prior notice, for the purpose of verifying that no persons other than the individuals stipulated in clause 4 herein are using the garden suite as a place of residence.

4.11 Removal of the Garden Suite

- (a) All necessary permits shall be obtained prior to the removal of the garden suite.
- (b) Within 30 days of the garden suite being vacated by the individuals stipulated in clause 4 herein, the property owner shall advise the municipality in writing of that fact, and shall confirm that the garden suite will be removed from the subject property within 90 days.
- (c) If the removal of the garden suite from the subject property cannot be accomplished within the 90 days referred to in clause 11(a), the property owner must advise the municipality in writing of that fact, and the municipality at its sole discretion may extend the time for the removal of the garden suite.
- (d) Where the garden suite is to be, or has been, vacated by the individuals stipulated in clause 4, and the property owner advises the municipality in writing of its desire to have the garden suite re-occupied by other stipulated individuals meeting the eligibility requirements, the municipality, at its sole discretion, may:
 - (i) approve of the new occupants and authorize by by-law, resolution, permit or license that clause 4 of this agreement be amended to stipulate their names, or
 - (ii) require the property owner to make an application for a new temporary use zoning by-law, development permit or license and give its approval or denial after having followed the statutory procedures for the processing of such applications.
- (e) If an application that has been made for a new temporary use zoning by-law, development permit, or license is denied by the municipality, the property owner must remove the garden suite within 90 days of the decision of the municipality, or within 90 days of the conclusion of the appeal process provided by statute, if the property owner proceeds with an appeal of the denial by the municipality, and under either instance there shall be no right of the property owner to apply for any further extensions of the time to remove the garden suite.
- (f) At the expiry of zoning by-law number ____, development permit number ____, or license number ____;

- (i) if the property owner fails to apply for its renewal or extension within 30 days, the municipality may, at its sole discretion, invoke the removal provisions of clauses 11(a) or, upon written request by the property owner, approve the processing of an application for renewal or extension submitted not later than a stated date; and
- (ii) if the property owner applies within 30 days for its renewal or extension, the municipality may, at its sole discretion, approve the renewal or extension for such further time period as it deems appropriate, without notice or hearing, or, it may deny the application, in which case the removal provisions of clause 11(d) shall apply.
- (g) Following the removal of the garden suite, the property owner shall cap or remove all underground services and utilities and all overhead wiring to the standards, specifications and approval of the municipality or other agency having jurisdiction; and shall remove the garden suite foundations, and restore the area of the property previously occupied by the garden suite as well as its immediate surroundings, to a condition acceptable to the municipality.
- (h) Within 30 days following the removal of the garden suite, and the restoration of the subject property to a condition acceptable to the municipality as well as the repair of any property of the municipality damaged during the removal and restoration process, the parties to this agreement shall execute a "Termination Agreement" stipulating that this agreement has no further validity, and such "Termination Agreement" shall be registered upon the title to the subject property.
- #### 4.12 Security for Municipal Costs
- (a) The property owner hereby agrees to post with the municipality, a Performance Bond in the amount of \$_____ to cover any costs that may be incurred by the municipality in connection with the installation or removal of the garden suite for such matters as: the repair of any damages caused to public property; and the removal of the garden suite and the restoration of the site by the municipality if the property owner or owner/supplier fail to do so in a timely manner when required to do so.
- (b) Where the security is in cash, the moneys will be deposited in an interest bearing account and all unused amounts will be returned to the property owner with interest within 5 days of the execution of the "Termination Agreement".
- #### 4.13 Special Provisions
- (a) If there is a mortgage upon the property, the written approval of the mortgage holder shall be obtained for the installation of the garden suite upon the property.
- (b) The registered owner of the property will acquire insurance coverage for the garden suite and for third person liability for possible injury to persons visiting the occupants of the garden suite.

4.14 Penalties

- (a) If the property owner violates the provisions of this agreement by:
- (i) permitting the garden suite to be occupied by individuals other than those specified in clause 4 without amendment to this agreement as provided for in clause 11(c)(i);
 - or,
 - (ii) failing to verify the occupancy of the garden suite by the occupants stipulated in clause 4 on any annual anniversary of the signing of this agreement as provided for in clause 10(a);
 - or,
 - (iii) failing to remove the garden suite from the subject property when required to do so under the provisions of clause 11, the property owner will be liable for a penalty not exceeding \$_____ per day for every day that the violation persists.
- (b) Funds for the payment of any penalties owing to the municipality may be taken from the security deposit required by clause 12(a) of this agreement.

4.15 Registration on Title

This agreement shall be registered upon the title to the subject property.

5.0 PROVISION OF A GARDEN SUITE TERMINATION AGREEMENT

5.1 Parties

This agreement applies to an agreement executed on _____ by the following parties:

- (a) the owner/supplier of the garden suite which is _____

_____;

- (b) the housing agency administering the program under which the garden suite was installed which is _____

_____;

- (c) the registered owner of the property on which the garden suite was installed who is _____

_____;

- (d) the municipality which is the Corporation of the Municipality of _____

_____.

5.2 Property Identification

This agreement applies to the property known municipally as _____
being lot _____ on registered plan _____.

5.3 Effect of this Agreement

Whereas a garden suite was installed on the subject property pursuant to zoning by-law number _____ and subject to the provisions of an

installation agreement between the same parties, and

Whereas the garden suite has been removed and the subject property has been restored to the satisfaction of the municipality, and

Whereas by by-law number _____ the municipality has repealed by-law number _____, development permit number _____, and license number _____.

Therefore the installation agreement between the parties is hereby terminated and has no further validity.

5.4 Registration on Title

This agreement shall be registered upon the title to the subject property.

6.0 PROVISIONS OF A GARDEN SUITE LEASE

GARDEN SUITE LEASE

THIS LEASE made the _____ day of _____ A.D., 19__.

BETWEEN:

•

(hereinafter called the "Lessor")

OF THE FIRST PART

- and -

•

(hereinafter called the "Lessee")

OF THE SECOND PART

WHEREAS the Lessee is the Owner of the land (herein called the "land") described in Schedule "1" hereto and occupies the principal dwelling on the land;

AND WHEREAS the Lessor owns the portable living unit (herein called the "garden suite") more particularly described by serial # _____;

AND WHEREAS the Lessee wishes to lease the garden suite and have it placed on the land for occupation for residential purposes by the individual or individuals (herein called the "Occupant(s)") listed in Schedule "2" hereto;

NOW THEREFORE in consideration of the premises and covenants as hereinafter contained, the Lessor and the Lessee covenant and agree as follows:

6.1 Lease

6.1.1 The Lessee agrees that the Lessor, its employees, agents and contractors may:

- (a) install and keep the garden suite on the land in a location agreed to by both parties and to make the necessary natural gas, sewer, water and electrical connections (hereinafter called "utilities") to service the garden suite;
- (b) install and connect wiring for telephone and cable T.V. where these services are available at the Lessee's dwelling;
- (c) maintain and repair the garden suite and utility interconnections located on the land;
- (d) remove the garden suite from the land and disconnect utilities and other services as appropriate when required by and in accordance with the terms of this Lease;
- (e) restore the site to approximate its original condition including removal of surplus walkways, capping extended services, repair and reinstallation of fencing and repair of the lawn to match the general grading but not including the provision of any plant materials except for resodding in repaired or regraded areas;
- (f) enter on the land at all reasonable times for those purposes permitted by this Lease within 24 hours written notice to the Lessee; and
- (g) allow others designated by the Lessor to enter on the land at a time to be set by the Lessor, in his sole discretion, for publicity, research and/or evaluation purposes.

6.1.2 The Lessee and the Lessor mutually agree that the garden suite located on the land is specifically

excluded from any conveyance of the land.

6.1.3 The Lessee and Lessor mutually agree that a copy of this Lease be provided to the Occupant.

6.2 Information on Garden Suite Occupant

6.2.1 The Lessee agrees to provide all necessary material and information on the occupant that may be required by the Lessor or the municipality.

6.3 Compliance with Municipal, Provincial and Federal Statutes

6.3.1 The Lessee agrees to apply and pay for all necessary municipal, provincial and federal permits and approvals for the installation of the garden suite.

6.4 Term

6.4.1 The term of this Lease shall be for a period of ten (10) years commencing on the day of _____, 19____ and ending on the day of _____, 19____.

6.5 Rent

6.5.1 The Lessee covenants to pay to the Lessor a monthly lease amount for the use of the garden suite in lawful money of Canada in the amount of \$_____.

6.5.2 The first of such payments shall be made on the date which the Lessor designates that the garden suite is ready to be occupied. If the date so designated is any day other than the first of a month, the rent for the fraction of that month shall be adjusted pro rata.

6.6 Other Payments

6.6.1 The Lessee covenants to pay:

- (a) all taxes and rates, whether municipal, parliamentary or otherwise, levied against the Lessee on account of the land or the garden suite located thereon;
- (b) all charges as they become due for public or private utilities used in or in respect of the garden suite;
- (c) to the Lessor a deposit in the amount of _____ Dollars (\$_____) which may be used by the Lessor for any of the following purposes:
 - (i) repairing any damage or loss to the garden suite caused by the Lessee, the occupant(s) or any other person allowed into the garden suite by the Lessee or Occupant;
 - (ii) cleaning the garden suite if the Lessee or Occupant vacates leaving it in other than the same condition in which it was turned over; and
 - (iii) any rent owing to the Lessor when this Lease is terminated;
- (d) to the Lessor the amount of any damage, cleaning costs or rent owing in excess of the deposit.

6.6.2 Any unused portion of the deposit will be returned to the Lessee.

6.7 Use

6.7.1 The Lessee shall use the garden suite only as residential accommodation for the Occupant and for no other purpose whatsoever.

6.8 Repair and Cleanliness

6.8.1 The Lessor shall maintain the garden suite in a good state of repair. The Lessor shall not be held responsible for damages or personal discomfort resulting either from a breakdown of the electrical, mechanical or heating system or from any other matter which the Lessor in exercising reasonable diligence could not have known about or expected, or the cause of which is outside the Lessor's control.

6.8.2 The Lessee shall immediately report to the Lessor any loss of material from or damage to the garden suite which may be replaced or repaired under the Lessor's coverages on the garden suite. In the event a claim for losses from or damage to the garden suite is recoverable under said coverages, the Lessor will initiate and co-ordinate the claim, and will advise the claim, and will advise the Lessee of action to be taken, if any, by the Lessee.

6.8.3 The Lessee will permit the Lessor to enter the garden suite on twenty-four hours' written notice, or, if any emergency situation exists, without notice, for the purpose of inspecting the garden suite and making necessary repairs to the garden suite and the Lessee shall not be entitled to compensation for any inconvenience or nuisance or discomfort occasioned thereby.

6.8.4 The provision of any property coverage on the garden suite by the Lessor does not relieve the Lessee or the Occupant of their legal liability for the garden suite while it is in their care, custody or control.

6.8.5 The Lessor shall have the option of repairing

the garden suite in the event that it is partially damaged or destroyed.

6.8.6 The Lessee shall provide competent janitorial and cleaning services and keep and maintain the garden suite in a neat, clean, sanitary and attractive condition.

6.8.7 The Lessee shall maintain the sidewalks, steps and parking areas serving the garden suite and the landscaping in good repair and clean condition.

6.8.8 The Lessee shall effect the prompt removal of snow and ice from the sidewalks, steps and parking areas serving the garden suite.

6.9 Alterations, Improvements, etc.

6.9.1 The Lessee shall not make or cause to be made any alterations or improvements or install or cause to be installed any fixtures or decorations to the garden suite without the prior written consent of the Lessor. The Lessee will supply to the Lessor the plans of any proposed alterations, improvements or installations upon request. No additions will be allowed.

6.9.2 Any alterations, decorations or improvements made to the garden suite by the Lessee shall become and remain the property of the Lessor upon termination of this Lease or any renewal thereof, provided that the Lessee shall, if requested by the Lessor, remove all alterations, decorations and improvements and restore the garden suite to the condition it was in at the commencement of this Lease before any alterations, decorations or

improvements were made or pay to the Lessor the cost of such removal and restoration.

6.9.3 The Lessee may, with the written consent of the Lessor, at any time during the term of this Lease, remove any fixture installed by the Lessee in the garden suite and the Lessee will compensate the Lessor for any damage caused to the garden suite by such removal.

6.9.4 The Lessee shall not suffer or permit any construction lien or other liens for work, labour, services or materials ordered by him or the cost of which he may be in any way obligated to attach to the garden suite or to the equipment located therein, and that whenever and so often as such lien shall attach or claim shall be filed, the Lessee shall within ten (10) days after the Lessee has notice of the claim or lien have it vacated or procure the discharge thereof by payment or by giving security or in such other manner as is or may be required or permitted by law.

6.9.5 The Lessee shall not construct, place, or plant anything on, over or under the ground which would restrict the Lessor's ability to remove the garden suite in a manner similar to that which was used originally to place the unit on the Lessee's property.

6.10 Insurance and Indemnity

6.10.1 The Lessee shall maintain personal liability insurance in an amount not less than \$_____, and shall also maintain "all risks" insurance on the Lessee's owned property. The Lessee shall not place property insurance on the garden suite, but shall

ensure that the Lessee's liability insurance is extended as necessary to cover the Lessee's legal liability for the Lessor's property in the Lessee's care, custody or control. The Lessee shall provide the Lessor with evidence of such coverage upon request.

6.10.2 The Lessee shall indemnify and hold harmless the Lessor, its employees and agents from any and all third party claims, demands, actions and costs that may arise out of any act or omission of the Lessee in the performance by the Lessee of this Agreement.

6.10.3 The Lessor shall indemnify and hold harmless the Lessee for any and all third party claims, demands, actions and costs that may arise out of any act or omission of the Lessor, its employees, agents or contractors in the performance by the Lessor of this Agreement.

6.10.4 The Lessor shall require any contractor with whom the Lessor enters into a contract for any work associated with this Lease to maintain adequate general liability insurance and to remedy any damage to the Lessee's land and property which is caused by the contractor in the course of his work.

6.11 Hazardous Materials

6.11.1 The Lessee shall not keep or permit to be kept any flammable liquids or materials within, or adjacent to, the garden suite, except for small quantities in proper containers of items required for normal household use, or allow any activity or permit any condition to exist in the garden suite that will create a hazard.

6.12 Locks

6.12.1 The Lessee shall not alter or cause to be altered the locking system on any door giving entry to the garden suite without the prior written consent of the Lessor. If the locking system is altered upon receipt of such consent, the Lessee shall provide the Lessor with a set of keys to the altered locking system.

6.13 Assignment, Delegation, etc.

6.13.1 The Lessee shall not assign this Lease and any attempt to assign this Lease will be of no force or effect.

6.14 Termination

6.14.1 In any of the following events, the Lessor shall have the right to terminate this Lease by notice to the Lessee:

- (a) if the Lessee defaults in performing and observing any of the terms of this Lease and if such default is not remedied within ten (10) days after notice thereof is given by the Lessor to the Lessee;
- (b) if the garden suite or the Lessee's dwelling is damaged or destroyed by fire or other causes;
- (c) if the land is sold, leased, foreclosed upon, or otherwise disposed of or alienated;
- (d) if the Occupant vacates the garden suite for a lengthy period without satisfactory justification or if, in the determination of the Lessor or his agent, the occupant can no longer cope in the garden suite with just the physical care and support supplied by the Lessee because of sickness, deterioration of

physical health or any other reason; and
(e) if the zoning by-law, development permit or license of the municipality which permits the installation of the garden suite is revoked.

6.14.2 The Lessee shall have the right to terminate this Lease at any time upon giving at least ninety (90) days' written notice to the Lessor.

6.15 Remedies

6.15.1 The Lessor may upon termination of the Lease, whether by passage of time or otherwise, enter on the Land, remove the garden suite and restore the land to the condition in which it was prior to the installation of the garden suite in so far as it is reasonably practicable to do so.

6.15.2 If as a result of any action by the Lessee the garden suite cannot be removed in the same manner in which it was installed, the Lessee shall be responsible for payment to the Lessor for any additional expenses, damages or losses sustained by the Lessor in removal of the garden suite.

6.16 Survival of Obligations

6.16.1 All obligations of the Lessee accruing hereunder during the term of this Lease and all indemnities by the Lessee hereunder shall survive the termination of this Lease.

6.17 Registration

6.17.1 The Lessor shall be entitled to register a notice of security interest at the Land Titles Office. The Lessor shall also be entitled to register its interest in the garden suite by filing a financing statement.

The Lessee will co-operate with the Lessor to facilitate these registrations.

6.18 Notice

6.18.1 The representatives or the parties for purposes of this agreement are:

(a) for the Lessor:

●

(b) for the Lessee:

●

Any notice required to be given by this Lease shall be given in writing and shall be sufficiently given if served personally or sent by registered mail, postage prepaid, to the address of the representative given above or to such other address as each may designate in writing and any notice so mailed shall be deemed to have been given four (4) business days after mailing.

6.19 Binding Effect

6.19.1 All the covenants, agreement, terms, conditions, provisions and undertakings of this Lease shall extend to and be binding upon the legal representative and successors of the parties hereto as if they were in every case named and described and all covenants herein contained shall be construed to be joint and several.

6.20 Amendments

6.20.1 The Lessor and the Lessee may, by mutual agreement agree to change or alter the terms and conditions of this Lease from time to time.

IN WITNESS WHEREOF the parties hereto have executed this Lease effective the date set out in the top of page one.

LESSOR: _____

Per: _____

Witness

Lessee

Witness

Lessee

The Complete Guide to Garden Suites (NHA 6853) consists of eight parts.

- 1) **The Garden Suite Concept**, NHA 6855
- 2) **Information for Occupants, Host Families, Owners and Suppliers**, NHA 6857
- 3) **Guidelines for Municipal Approval**, NHA 6859
- 4) **Provincial and Territorial Planning Act Provisions**, NHA 6861
- 5) **Sample Implementation Documents**, NHA 6863
- 6) **Examples of Installed Garden Suites**, NHA 6865
- 7) **Information Sources**, NHA 6867
- 8) **References**, NHA 6869

To order copies of any or all parts of **The Complete Guide to Garden Suites**, call 1 800 668 CMHC.

Please specify titles and NHA numbers.



PART SIX:

EXAMPLES OF INSTALLED GARDEN SUITES



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PART SIX:

EXAMPLES OF INSTALLED GARDEN SUITES

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Examples of Installed Garden Suites comprises Part Six of The Complete Guide to Garden Suites, NHA 6853.

La publication complète est aussi disponible en français sous le titre : Pavillons-jardins : guide complet LNH 6854. Une version française est disponible séparément sous le titre : Exemples de pavillons-jardin existants, LNH 6866.

The Complete Guide to Garden Suites was prepared for CMHC by ALLAN E. BRASS ASSOCIATES INC., Consulting Urban and Regional Planners; LOVATT PLANNING CONSULTANTS; and SMITH, LYONS, TORRANCE, STEVENSON & MAYER, Barristers and Solicitors.

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PART SIX:

EXAMPLES OF INSTALLED GARDEN SUITES

1.0 INTRODUCTION

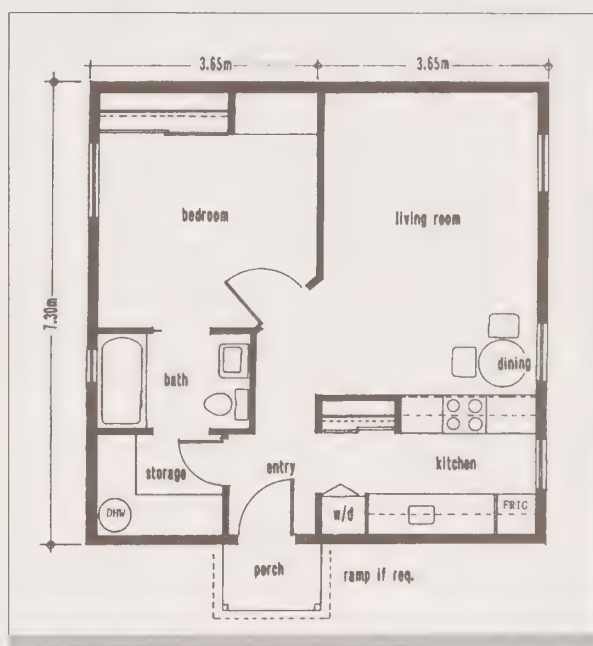
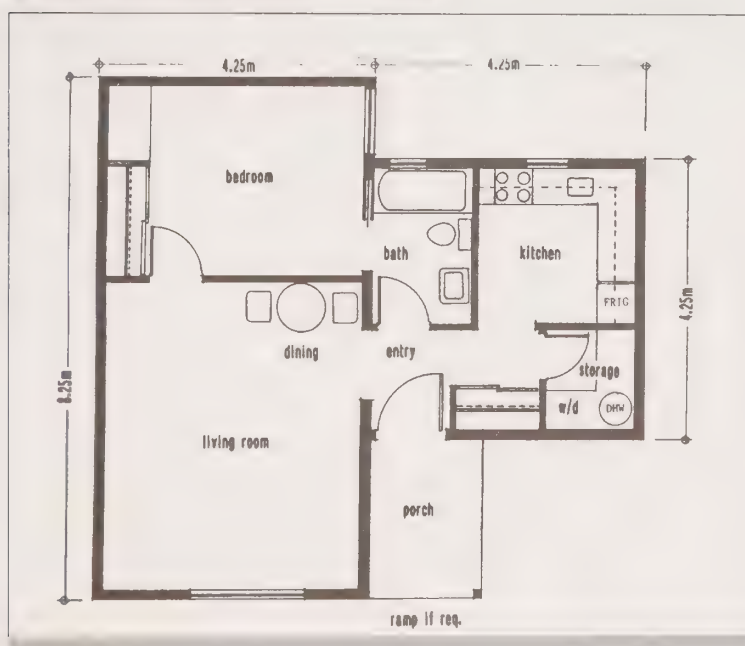
The following examples illustrate the range of possibilities available in the design and siting of garden suites. They have been compiled from reports of demonstration projects across Canada.

2.0 CANADA-WIDE EXAMPLES

Units designed for the garden suite Demonstration Project sponsored by the Canadian Manufactured Housing Institute, the provincial housing agencies and Canada Mortgage and Housing Corporation.

Figure 1

Sample garden suite floor plans prepared by CMHC for the Canada-wide Demonstration Project. Alternative A has a floor area of 53.13 m² and Alternative B has a floor area of 53.29 m².



Source: "Designs Produced For The Demonstration and Other Installations of garden suites;," Canada Mortgage and Housing Corporation (undated).



Figure 2

A garden suite demonstration unit manufactured by Alma Homes Limited, Lethbridge, Alberta. Floor area is 55.1 m².

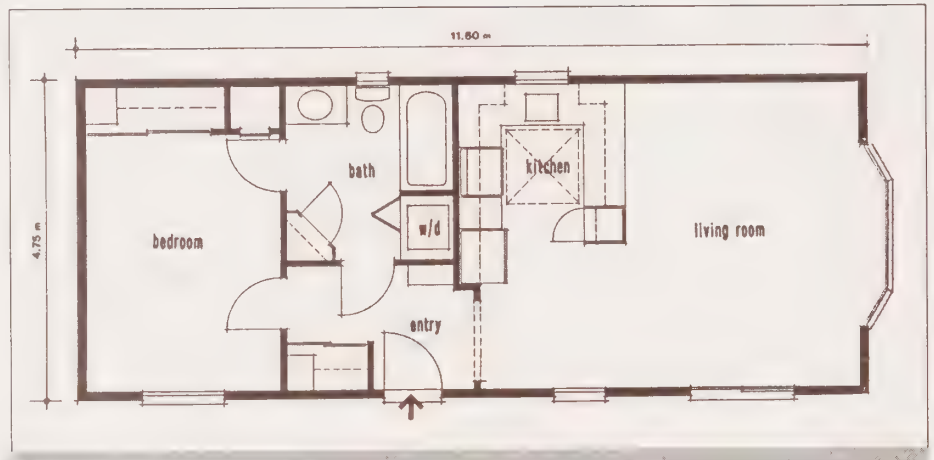


Figure 3

A garden suite demonstration unit designed by Demtec Incorporated, Princeville, Quebec. Floor area is 56.84 m².

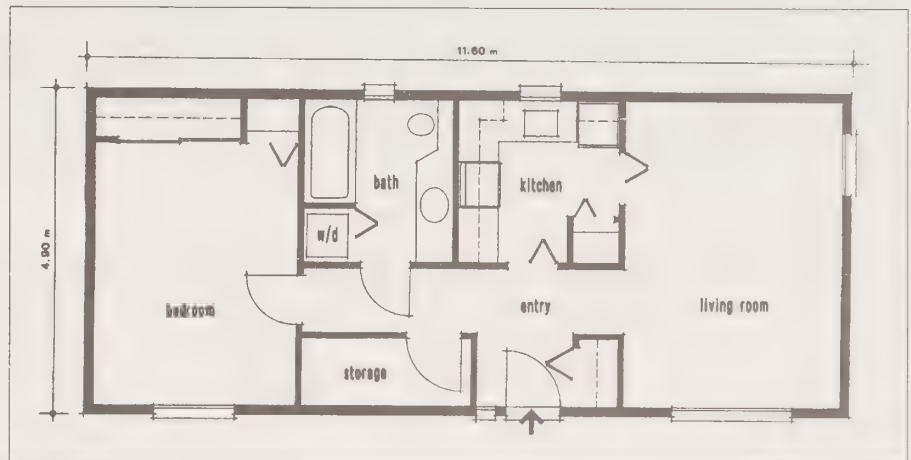
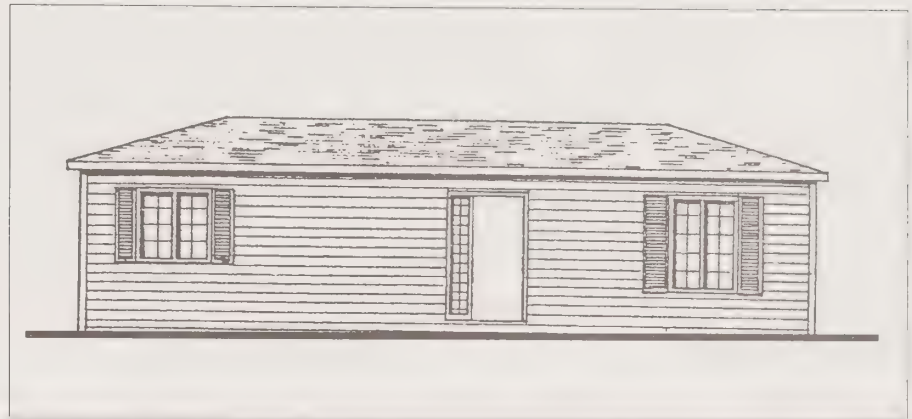


Figure 4

A garden suite demonstration unit manufactured by Habitec, Quebec.
Floor area is 59.68 m².

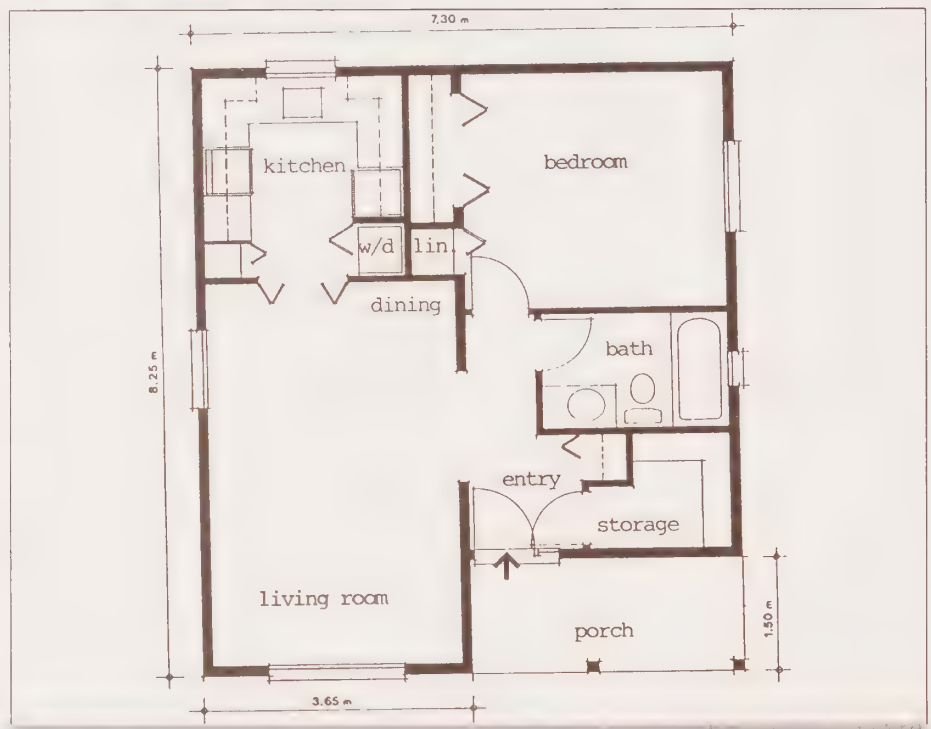
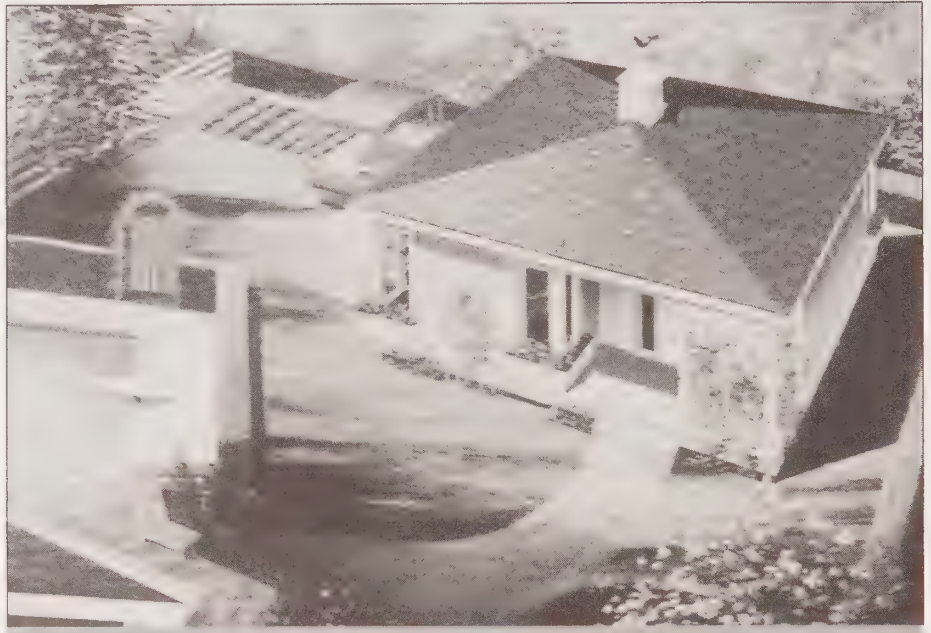


Figure 5

The garden suite demonstration unit installed in Prince Edward Island.

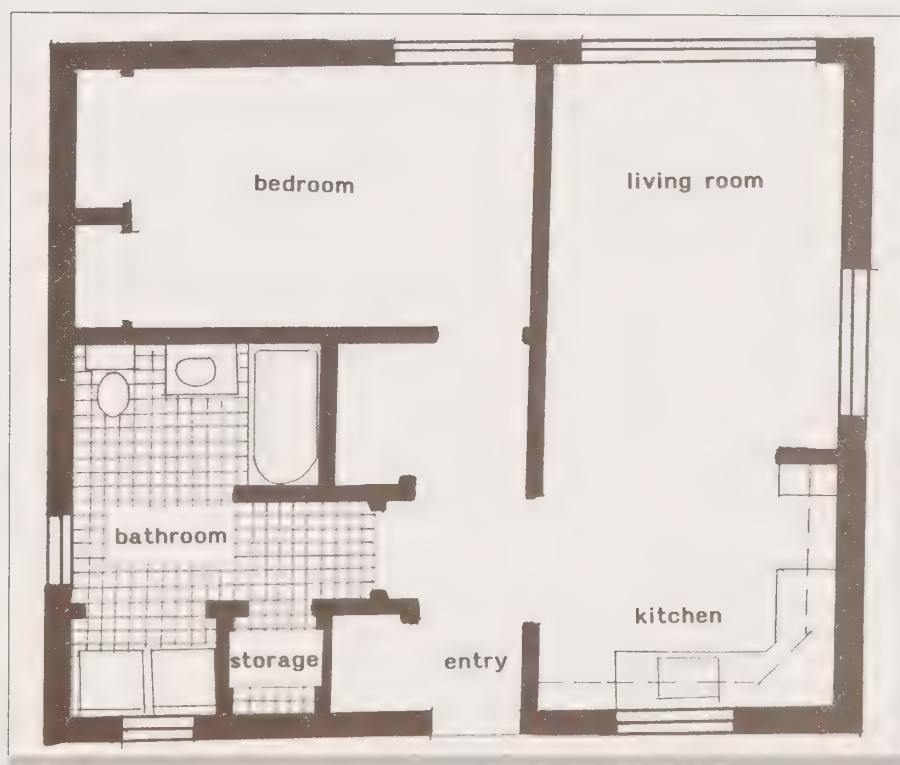


Figure 6

The garden suite demonstration unit manufactured by MMH Prefab Ltd., Sussex, New Brunswick. Floor area is 55.1 m².

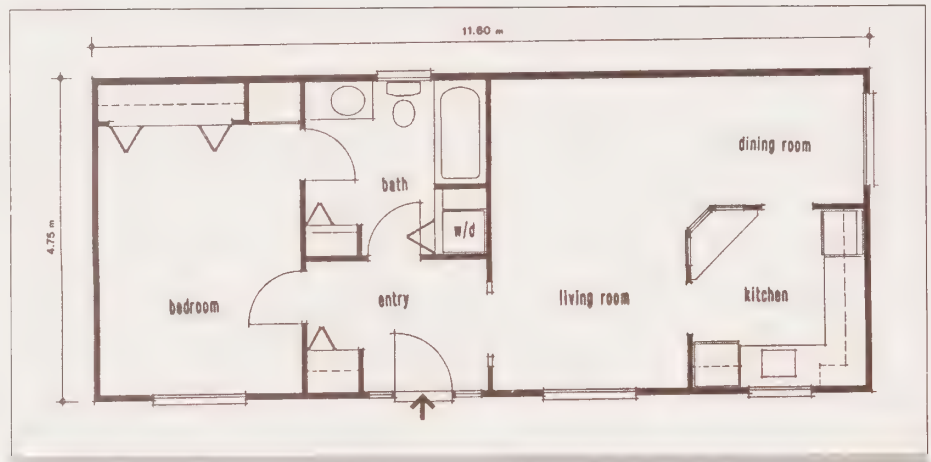


Figure 7

The garden suite demonstration unit manufactured by Les Residence Prince, Inc., Princeville, Quebec. Floor area is 52.05 m².

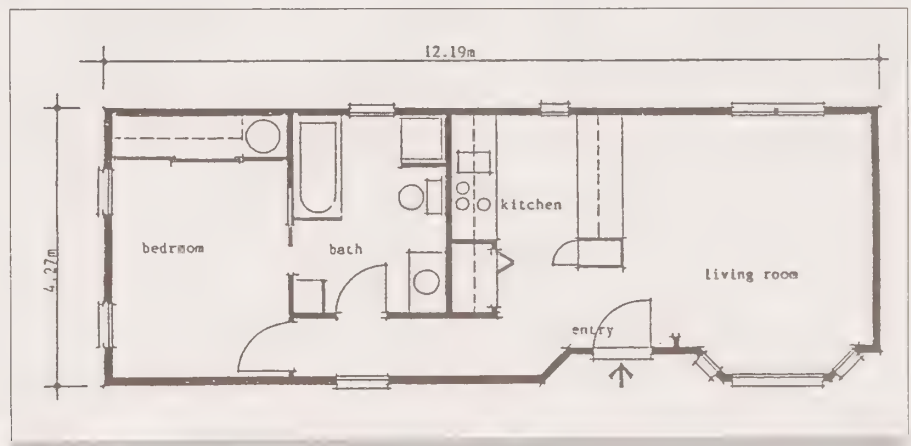


Figure 8

The garden suite demonstration unit manufactured by Shelter Industries, Inc., Estevan, Saskatchewan. Floor area is 55.1 m².

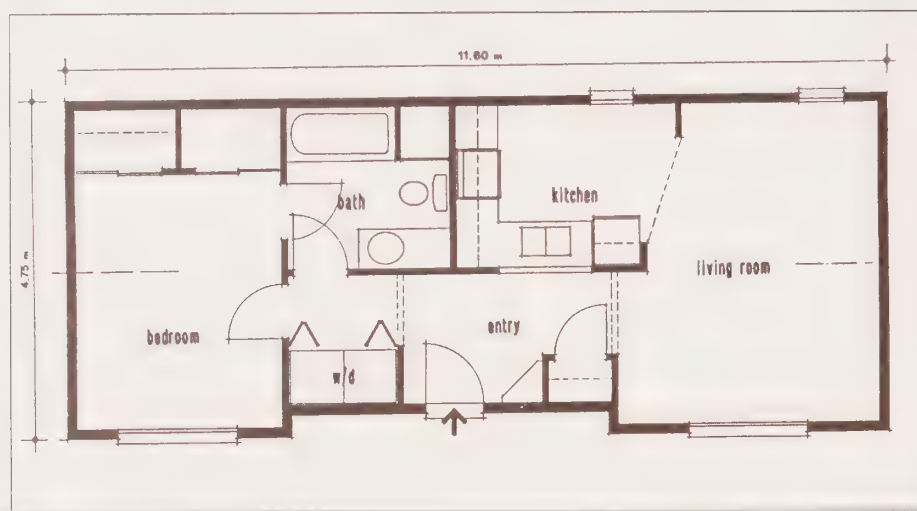


Figure 9

The garden suite demonstration unit manufactured by Wallken Enterprises, Newfoundland.

Floor area is 54.96 m².

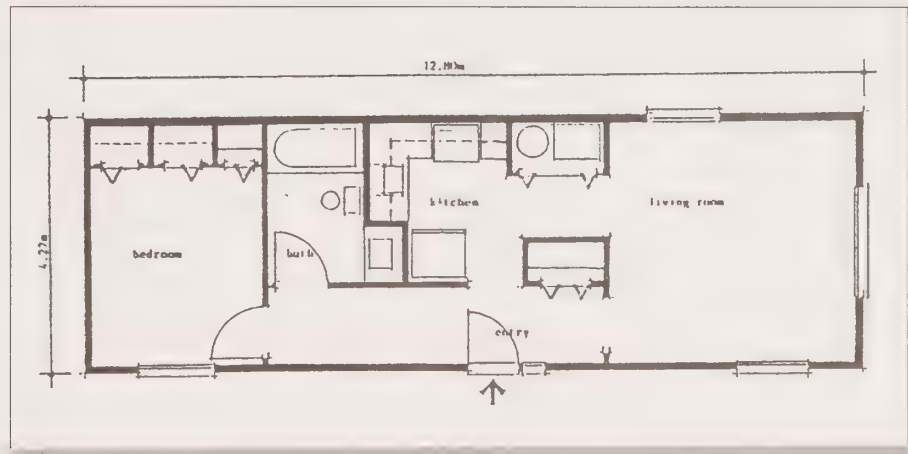
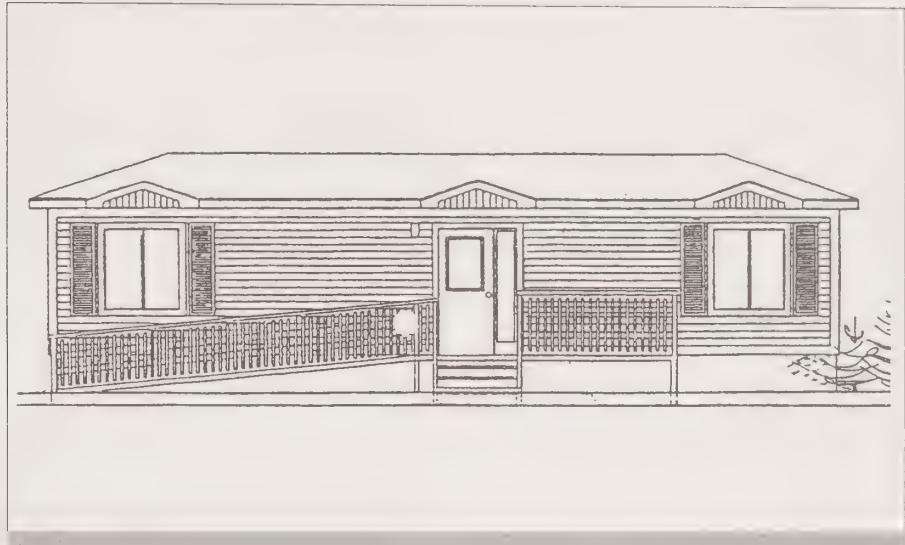


Figure 10
The garden suite demonstration unit installed in British Columbia.

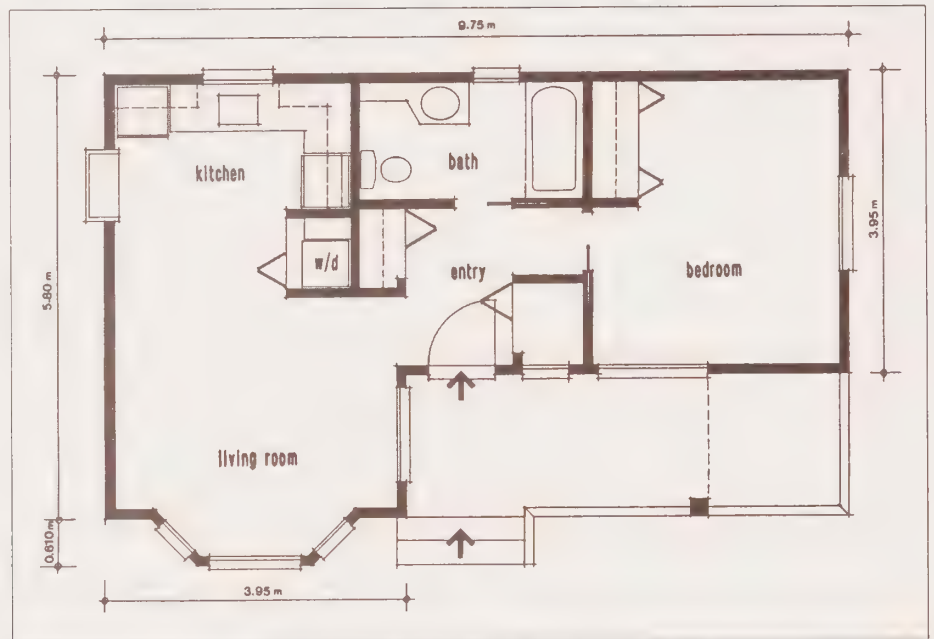


Figure 11

The garden suite demonstration unit installed in Fredericton, New Brunswick.

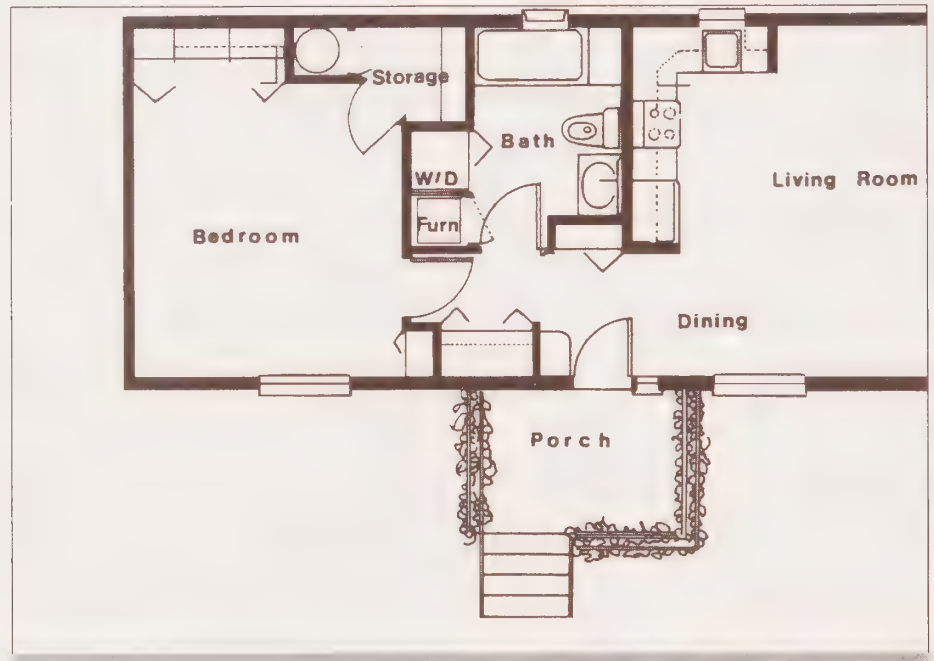


3.0 ALBERTA EXAMPLES

The units designed and installed during the Alberta Garden Suite Pilot Project.

Figure 12

One of two types of garden suite demonstration units installed during the Alberta Demonstration Project.



Source: "Description of the Alberta Garden Suite Pilot Project"; prepared by Lovatt Planning Consultants for Alberta Municipal Affairs, March 1990.

Note: Other examples of the Alberta Demonstration Project are included in Parts One and Two of this Guide.

6-13

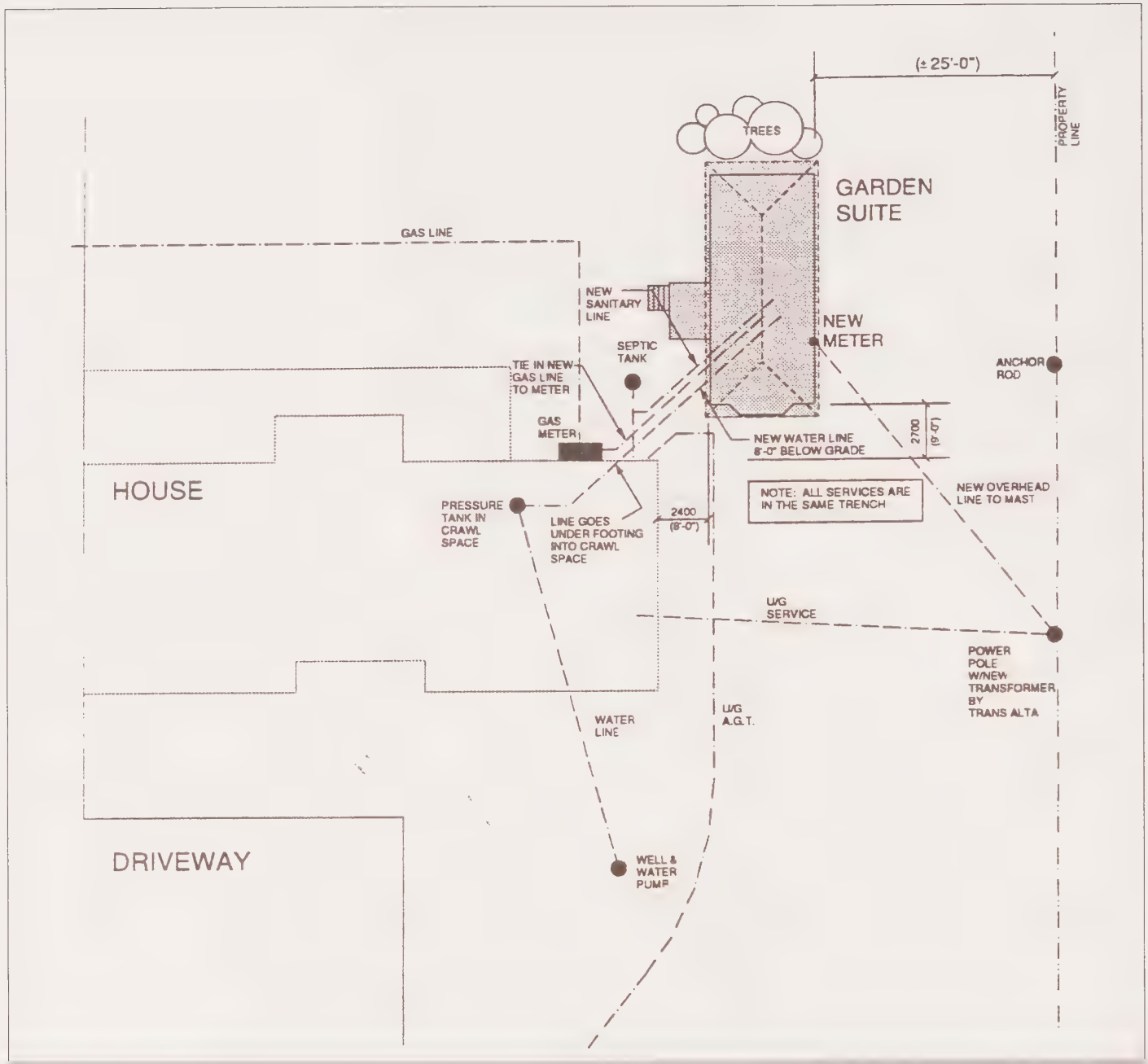


Figure 14

Site plan of one of the garden suite demonstration units installed in Parkland, Alberta.

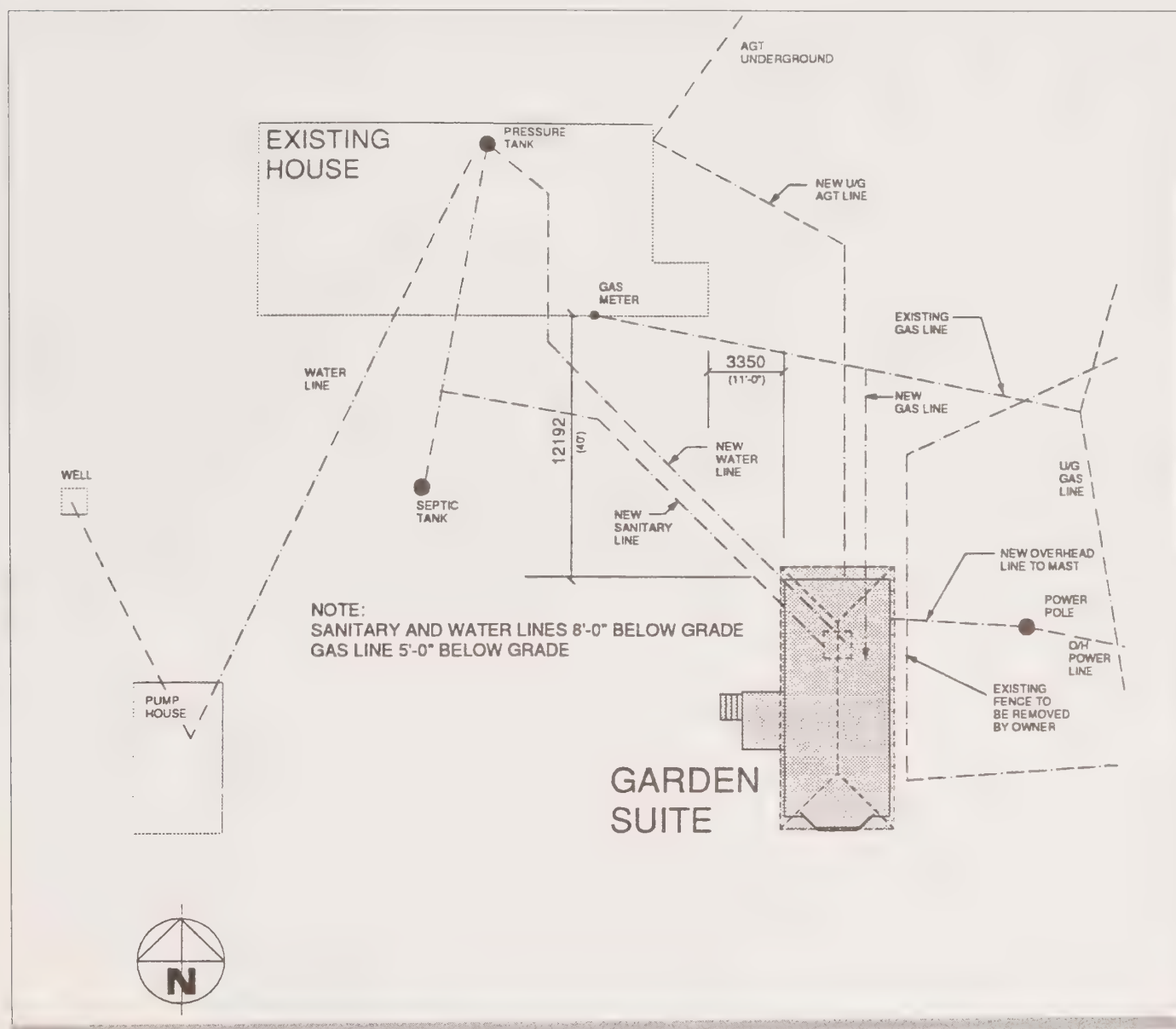


Figure 15

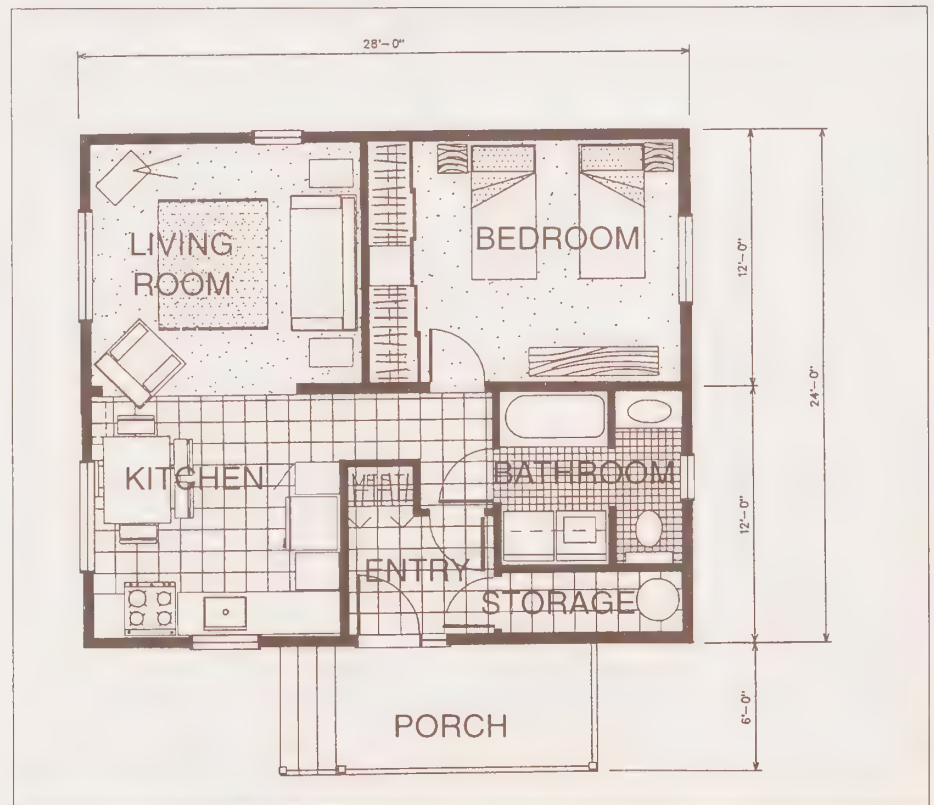
Site plan of a second garden suite demonstration unit installed in Parkland, Alberta.

4.0 QUEBEC EXAMPLES

The units designed and installed during the Quebec Garden Suite Demonstration Project.

Figure 16

The garden suite demonstration unit installed in four communities in the Province of Quebec.



Source: *L'Hébergement Non Traditionnel, Les Pavillons-Jardins*, by René Bouchard and Jacques Desbiens, Société D'Habitation du Québec, Direction des E'tudes et Conseils Techniques (undated).

Figure 17

Site plan of the garden suite demonstration unit installed in St-Étienne-de-Lauzon.

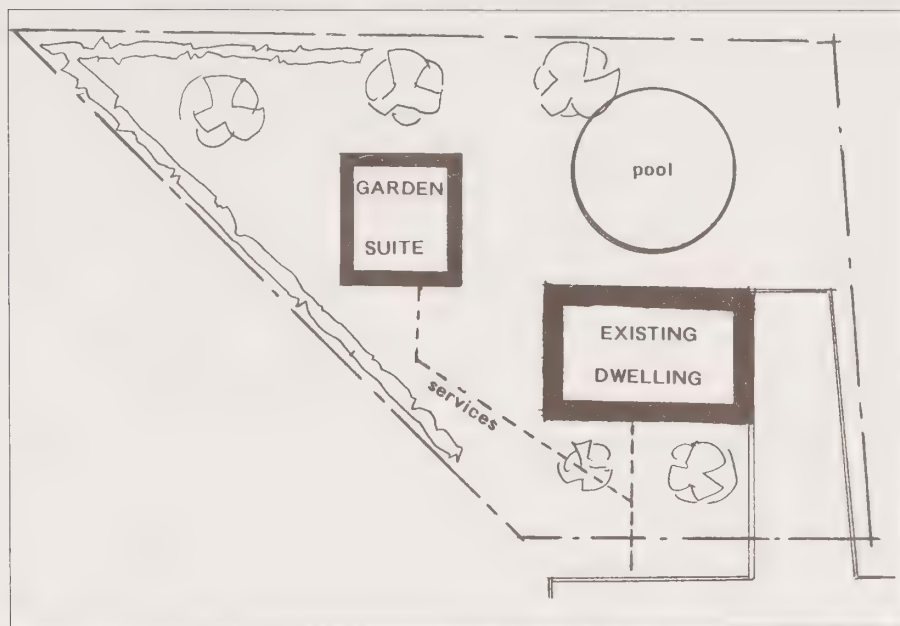


Figure 18

Site plan of the garden suite demonstration unit installed in Capucins.

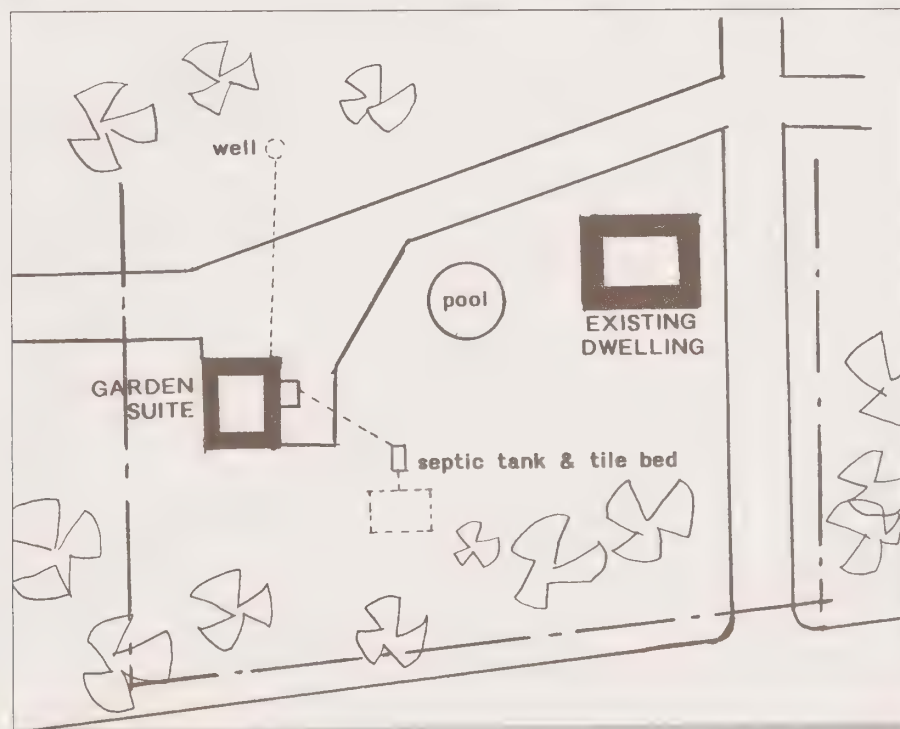
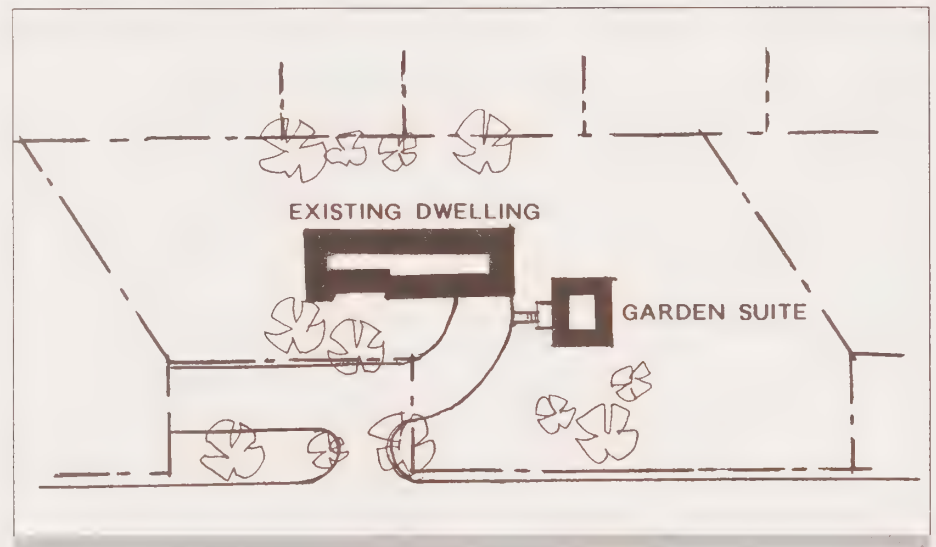
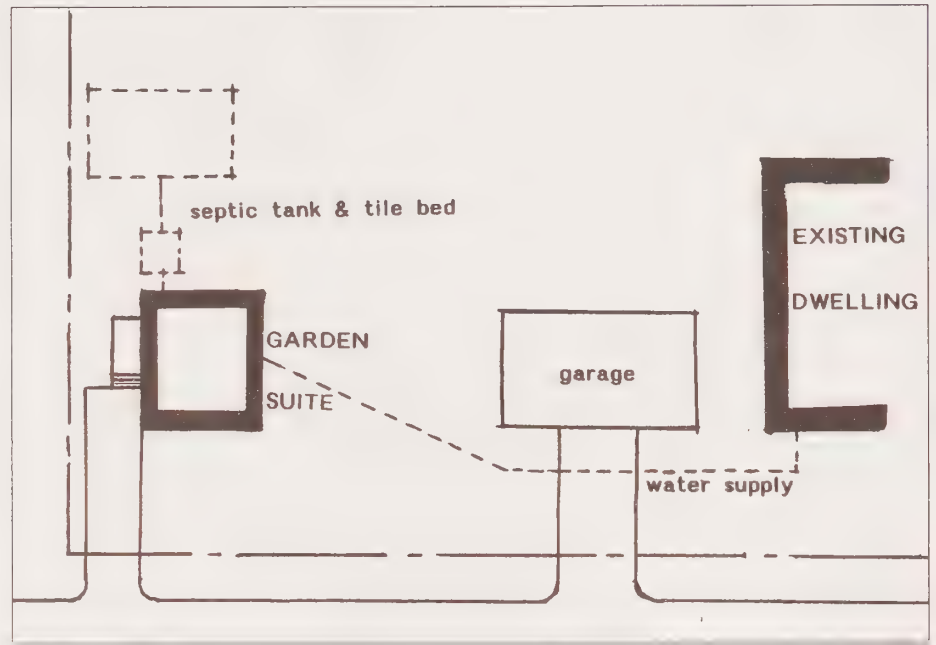


Figure 19

Site plans for the garden suite demonstration units installed in Trois-Rivières-Ouest (top) and Grantham-Ouest (bottom).



5.0 ONTARIO EXAMPLES

The units designed and installed during the Ontario PLUS Demonstration Project.

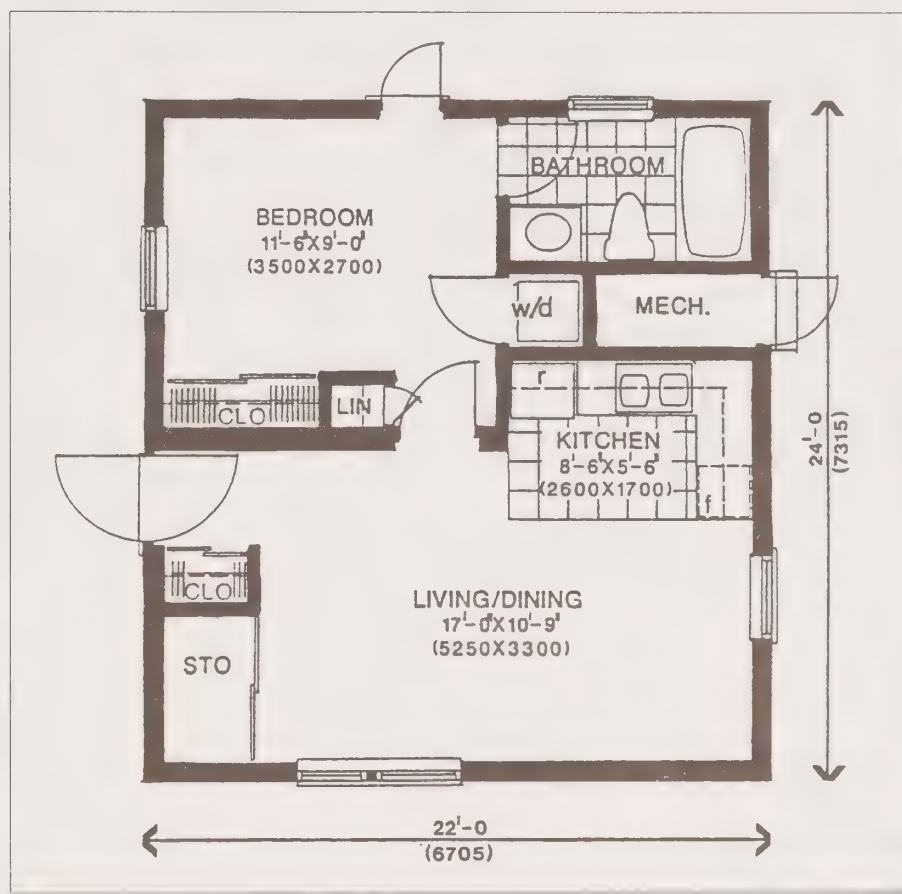


Figure 20

One of the floor plans developed for the Ontario Demonstration Project of Portable Living Units for Seniors (PLUS)

Source: "Portable Living Units for Seniors: The Granny Flat Demonstration Project Summary Report", Ontario Ministry of Housing, June 1990.

Note: Other examples from the Ontario Demonstration Project are included in Parts One and Two of this Guide.

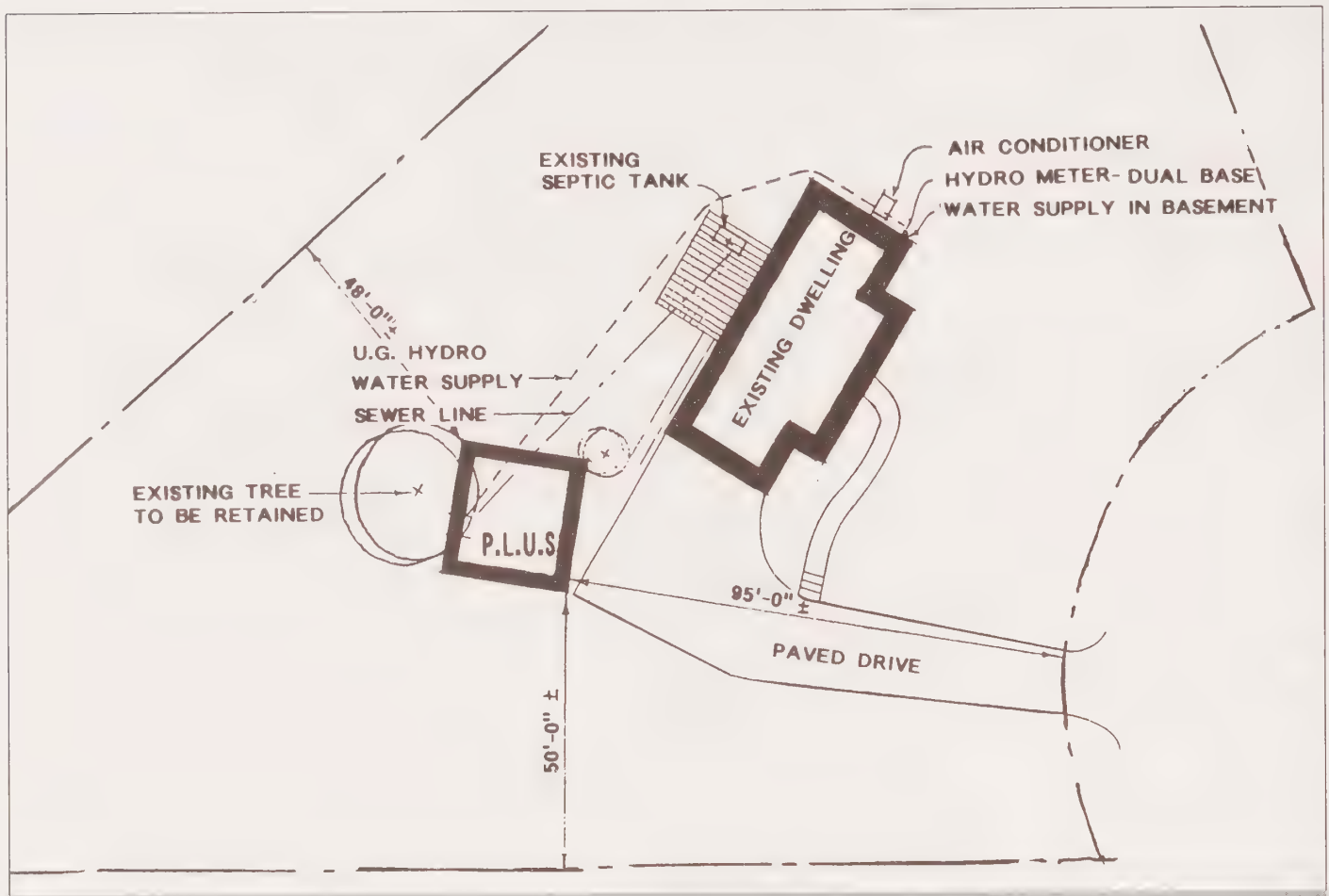


Figure 21

Site plan for one of the Ontario
Demonstration Project of Portable
Living Units for Seniors (PLUS)
installation in Waterloo.

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*Printed in Canada
Produced by CMHC*

*Information Sources comprises Part Seven of *The Complete Guide to Garden Suites*, NHA 6853.*

*La publication complète est aussi disponible en français sous le titre : *Pavillons-jardins : guide complet* LNH 6854. Une version français est disponible séparément sous le titre : *Sources d'information*, LNH 6868.*

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PART SEVEN:**INFORMATION SOURCES****1.0 NATIONAL AND REGIONAL ORGANIZATIONS****Government Departments and Agencies****Canada Mortgage and Housing Corporation****NATIONAL OFFICE**

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Urban and Rural Planning Division

Department of Municipal and Provincial Affairs
Confederation Building, West Block
P.O. Box 8700
St. John's, Newfoundland A1B 4J6

Newfoundland and Labrador Housing Corporation

2 Canada Drive
P.O. Box 220
St. John's, Newfoundland A1C 5J2

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The Prince Charles Building
120 Torbay Road
St. John's, Newfoundland

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P.O. Box 5070
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Mount Pearl
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Community Planning Section

Community Services Division
Department of Community and Cultural Affairs
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P.O. Box 2000
Charlottetown, Prince Edward Island C1A 7N8

P.E.I. Housing Corporation

11 Kent Street
P.O. Box 2000
Charlottetown, Prince Edward Island C1A 7N8

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Royal Trust Bldg.
Suite 300, 3rd Floor
119 Kent Street
Charlottetown, Prince Edward Island C1A 1N3

Manufactured Housing Companies

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Maritime Centre, 13th Floor Fax (902) 424-0531
1505 Barrington Street
P.O. Box 216
Halifax, Nova Scotia B3J 2M4

Department of Housing and Consumer Affairs

Planning Services Tel. (902) 424-6747
40 Alderney Drive, 5th Floor Fax (902) 424-5327
P.O. Box 815
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New Brunswick Housing Corporation

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 Fredericton, New Brunswick E3B 5B2

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 Fredericton, New Brunswick Fax (506) 458-9119
 E3B 6A5

Kent Homes Limited

28 Irving Boulevard Tel. (506) 743-2482
 Buctouche, New Brunswick E0A 1G0 Fax (506) 743-5953

Kent Homes Limited

280 English Drive Tel. (509) 859-4663
 Moncton, New Brunswick E1E 3Y9 Fax (509) 859-5679

Maple Leaf Homes Inc.

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 Fredericton, New Brunswick Fax (506) 450-3016
 E3B 5B4

R. McLaughlin Homes Limited

R.R. #1 Tel. (506) 375-4108
 Upper Woodstock Fax (506) 375-4942
 New Brunswick E0J 1Z0

MMH Prefab Limited

P.O. Box 1580 Tel. (506) 433-4980
 Industrial Drive Fax (506) 433-4641
 Sussex, New Brunswick E0E 1P0

6.0 THE PROVINCE OF QUEBEC

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Société d'habitation du Québec

Direction générale de la planification Tel. (418) 646-7906
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Direction des études et conseils techniques

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Aile Conroy 3rd Floor

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Canada Mortgage and Housing Corporation

QUEBEC REGIONAL OFFICE

Suite 1100 Tel. (514) 283-4464

1010 de la Gauchetière Street West Fax (514) 283-7595

Montréal, Quebec

Mailing Address

1010 de la Gauchetière Street West

Montréal, Quebec H3B 2P7

CHICOUTIMI

21st Floor Tel. (418) 698-5511

1180 Talbot Street Fax (418) 698-5519

Royal Bank Bldg.

Chicoutimi, Quebec

Mailing Address

P.O. Box 34

Chicoutimi, Quebec G7H 4B6

HULL

Suite 206 Tel. (819) 770-1550

259 St-Joseph Boulevard Fax (819) 770-0347

Hull, Quebec

Mailing Address

P.O. Box 1200

Hull, Quebec J8Y 6T1

LAVAL

2 Place Laval

Suite 400

Laval, Quebec H7M 5C9

Mailing Address

P.O. Box 1500

Vimont Postal Station

Laval, Quebec H7M 3Z2

MONTRÉAL

1111 St-Urbain Street

Suite 201, 2nd Floor

Montréal, Quebec H2Z 1Y6

QUÉBEC

Suite 2800

2600 Laurier Boulevard

Sainte-Foy, Quebec

Mailing Address

P.O. Box 70

Sainte-Foy, Quebec G1V 4C8

SHERBROOKE

Suite 201

2355 King Street West

Sherbrooke, Quebec

Mailing Address

P.O. Box 2120

Sherbrooke, Quebec J1J 2G6

Manufactured Housing Companies

Société Québécoise des manufacturiers d'habitations

5930 Louis-Hippolyte Lafontaine Boulevard

Anjou, Quebec H1M 1S7

Tel. (514) 967-3700

Fax (514) 663-9376

Tel. (514) 283-2222

Fax (514) 283-0404

Tel. (418) 649-8080

Fax (418) 649-8099

Tel. (819) 564-4220

Fax (819) 564-4281

Tel. (514) 353-6737

Fax (514) 353-4825

Arbour & Vidal Inc.

2345 Watt Street Tel. (418) 656-6184
Sainte-Foy, Quebec G1P 3X2 Fax (418) 656-6228

Batisseurs Associes Ltee

251 du Moulin Street Tel. (418) 322-5747
Saint-Adelphe, Quebec G0X 2G0 Fax (418) 322-5893

Charpentec Inc.

2210 Wilfrid-Hamel Boulevard Tel. (418) 687-2153
Québec, Quebec G1N 2H7 Fax (418) 687-2649

Construction Concepts

41 Brillant Street Tel. (418) 562-6680
Parc Industriel Fax (418) 562-6853
P.O. Box 156
Matane, Quebec G4W 3N1

Construction Dumais et Pelletier Inc.

625 Adélarde Street Tel. (418) 492-1554
Saint-Pascal de Kamouraska Fax (418) 492-9518
Quebec G0L 3Y0

Construction Genereux et Guay Inc.

1066 Penin Road Tel. (418) 839-0436
Saint-Jean Chrysostome
Beauce-Nord, Quebec G6Z 2K9

Construction Geralda Inc.

2217 Route Kennedy Tel. (418) 882-5461
Saint-Isidore
Beauce-Nord, Quebec G0S 2S0

Coreno Inc.

1058 Champs-Fleuris Tel. (418) 839-0205
Saint-Jean Chrysostome
Beauce-Nord, Quebec G6Z 1S3

Dan-Ky Inc.

P.O. Box 70 Tel. (418) 596-2886
Saint-Elzéar
Beauce, Quebec
also
209 Beaurivage
Saint-Sylvestre
Beauce, Quebec G0S 2J0

Construction Goscobec Incorporated

Parc Industriel Tel. (418) 862-9628
P.O. Box 907 Fax (418) 862-0583
103 Lebrun Street
Rivière-Du-Loup, Quebec G5R 3Z5

Construction Marcoux Ltd.

1360 Vachon Nord Boulevard Tel. (418) 387-5517
Sainte-Marie-de-Beauce Fax (418) 387-7592
Quebec G6E 1N4

Demtec Incorporated

50 Industriel Boulevard Tel. (819) 364-2043
P.O. Box 1060 Fax (819) 364-3448
Princeville, Quebec G0P 1E0

Domicilex Inc.

3590 de l'Energie Street Tel. (418) 547-9301
P.O. Box 995 Fax (418) 695-2186
Jonquiere, Quebec G7X 7W8

Fabricants Atlantic du Quebec Inc.

187 Richer Street Tel. (514) 482-0696
Saint-Pierre, Quebec H8R 1R4 Fax (514) 482-7823

Habitations Nabco Inc.

686 Rang de la Riviere Est Tel. (514) 293-3125
Sainte-Brigide-d'Iberville Fax (514) 293-2160
Quebec J0J 1X0

Habitations Quélford Ltée

213 Rang Saint-Jacques Tel. (418) 337-7969
Saint-Leonard-de-Portneuf Fax (418) 337-2283
Quebec G0A 4A0

Habitations Techniques H.C. Limited

255 du Parc Street Tel. (418) 397-5274
Saint-Joseph-de-Beauce Fax (418) 397-6104
Quebec G0S 2V0

Huppe Inc.

995 Beaulieu Street Tel. (418) 832-4355
Saint-Jean Chrysostome
Conté Beauce-Nord, Quebec G6Z 2L1

ISO-Sand Inc.

620 Kempf Street Tel. (514) 375-0085
Granby, Quebec J2G 3Y5 Fax (514) 375-9718

Industries Bonneville Ltée

601 de l'Industrie Street Tel. (514) 464-1002
Beloeil, Quebec J3G 4S5 Fax (514) 467-8120

Industries Sainte-Anne-de-la-Rochelle Inc.

Sainte-Anne-de-la-Rochelle Tel. (514) 539-3100
Shefford, Quebec J0E 2B0 Fax (514) 539-0335

J.R. Ouellet Inc.

16 185 Street Fax (418) 867-2337
Riviere-Du-Loup, Quebec G0L 2J0

Jean-Guy Royer Enr.

6 Route Langevin Tel. (418) 935-3848
Sainte-Hénédine
Beauce-Nord, Quebec G0S 2R0

Jean-Luc Groleau Inc.

615 13th Avenue Tel. (418) 774-9698
Beauceville
Beauce-Nord, Quebec G0S 1A0

Laurin & Fils Inc.

1247 Route 227 Tel. (514) 460-7529
Marieville, Quebec J0L 1J0 Fax (514) 658-6851

Le Maître Constructeur St-Jacques Inc.

32 Nadeau Street Tel. (418) 424-3117
Saint-Jacques-de-Leeds Fax (418) 424-3096
Quebec G0N 1J0

Les Constructions M.S.B. Inc.

333 Rang Saint-Etienne Nord Tel. (418) 387-2950
Sainte-Marie
Beauce-Nord, Quebec G6E 3A7

Les Entreprises Claudi Inc.

259 le Bras Road Tel. (418) 822-5228
Saint-Isidore
Beauce-Nord, Quebec G0S 2S0

Les Entreprises Faucher et Guérin Inc.

1217 Route Saint-Louis Tel. (418) 839-8150
Saint-Jean Chrysostome, Quebec G6Z 2L2

Les Habitations Ivan Larochelle Inc.

2214 Route Kennedy Tel. (418) 882-5870
 Saint-Isidore
 Beauce-Nord, Quebec

Les Maisons Alouette

316 Principale Street West Tel. (514) 539-3100
 Route 243
 Saint-Anne de la Rochelle
 Shefford, Quebec J0E 2B0

Les Maisons Champoux Inc.

40 Ontario Street Tel. (819) 723-2253
 P.O. Box 98
 Notre-Dame du Nord
 Témiscamingue, Quebec J0Z 3B0

Les Maisons Québeco Inc.

3200 Industriel Boulevard Tel. (819) 825-5410
 P.O. Box 220 Fax (819) 825-1462
 Val d'Or, Quebec J9P 4P3

Locations Prince Inc.

1150 Industriel Road Tel. (418) 831-7000
 Bernières, Quebec G7A 1B2 Fax (418) 831-2974

Locations Treco Ltée

590 Sagard Street Tel. (514) 653-5657
 P.O. Box 210 Fax (514) 653-0859
 Saint-Bruno, Quebec J3V 4P6

Maisons de Demain Inc.

3465 de l'Industrie Boulevard Tel. (514) 464-5390
 Saint-Mathieu-de-Beloeil, Fax (514) 467-3120
 Quebec J3G 4S5

Maison Modulaires Beauce Lée

1336 Route Kennedy, P.O. Box 729 Tel. (418) 397-6876
 Saint-Joseph-de-Beauce Fax (418) 397-5203
 Quebec G0S 2V0

Maisons Modulaires Trudeau Inc.

1895 Boulevard de l'Industrie Tel. (514) 467-4395
 Saint Mathieu de Beloeil Fax (514) 467-1272
 Quebec J3G 4S5

Maisons Nordique Inc.

115 Gallichan Road Tel. (819) 787-2680
 Gallichan, Quebec J0Z 2B0 Fax (819) 787-6680

Maisons Quebeco Inc.

3200 Industriel Boulevard Tel. (819) 825-5410
 P.O. Box 220 Fax (819) 825-1462
 Val d'Or, Quebec J9P 4P3

Maisons Usinées Brouillette Inc.

102 Rang Pied-de-la-Montagne Tel. (514) 883-2224
 Sainte-Marcelline, Quebec J0K 2Y0 Fax (514) 883-2226

Marcel Turnel Inc.

205 Morency Street Tel. (418) 253-5474
 Vallée-Jonction
 Beauce-Nord, Quebec G0S 3J0

Modulex

3090 Wilfrid-Hamel Boulevard Tel. (418) 681-0133
 Québec, Quebec G1P 2J1
 Fax (418) 681-3080

Multigon Homes Inc.

2906 Labelle Boulevard Tel. (514) 224-8218
 Prevost, Quebec J0R 1T0 Fax (514) 224-5603

Mur-Ext. Inc.

2412 Labelle Boulevard Tel. (514) 565-3050
Lafontaine, Quebec J7Y 3R7 Fax (514) 565-0086

Murox

125 Parc Avenue Tel. (418) 397-4371
P.O. Box 1180 Fax (418) 397-5971
St-Joseph-de-Beauce, Quebec G0S 2V0

Norman Giguere

(Les Constructions Norman Giguere Enr.)
P.O. Box 246 Tel. (418) 397-6904
615 Bellevue, Saint-Joseph
Beauce-Nord, Quebec G0S 2V0

Raymond Construction Inc.

304 Route Kennedy Tel. (418) 774-3478
Beauceville, Quebec G0M 1A0

Real Bilodeau Inc.

75 Principale Street Tel. (418) 483-5548
P.O. Box 207 Fax (418) 483-5849
Courcelles, Quebec G0M 1C0

Renald Grenier Inc.

577 1st Avenue Tel. (418) 774-3659
Beauceville
Beauce-Nord, Quebec G0S 1A0

Residences Prince Inc.

10 Industriel Boulevard Tel. (819) 364-2237
Princeville, Quebec G0P 1E0 Fax (819) 364-2619

Résidences Profab Inc.

395 Route 112 Tel. (418) 253-5166
Vallée-Jonction, Quebec G0S 3J0

Romaro 2000 Itée

176 Route 108 Tel. (418) 588-2000
Saint-Victor, Quebec G0M 2B0 Fax (418) 588-6587

Sofati Limited

1801 McGill College Avenue Tel. (514) 288-1833
Suite 830 Fax (514) 844-8987
Montréal, Quebec H3A 2N4

Structures Laprise Inc.

165 des Industries Street Tel. (418) 248-0401
Montmagny, Quebec G5V 4G2 Fax (418) 248-8415

Structures Prefab WRP Inc.

6715 Route 132 Ouest Tel. (514) 638-3767
Ville Sainte-Catherine Fax (514) 638-5629
Quebec J0L 1E0

Système Insulwall

P.O. Box 3065 Tel. 1-800-363-2307
Québec, Quebec G1K 6X9 Fax (514) 321-8040

Système Nascor Inc.

1346 Vachon Nord Boulevard Tel. (418) 387-3641
Sainte-Marie, Quebec G6E 1N4 Fax (418) 387-4039

Yvon Champoux Inc.

40 Ontario Street Tel. (819) 723-2253
Notre Dame du Nord Fax (819) 723-2474
Quebec G0Z 3B0

7.0 THE PROVINCE OF ONTARIO

Government Departments and Agencies

Ministry of Housing, Planning & Development Policy

Section, Housing Advocacy & Planning Branch

777 Bay Street, 2nd Floor Tel. (416) 585-6503
Toronto, Ontario M5G 2E5 Fax (416) 585-7607

Canada Mortgage and Housing Corporation

ONTARIO REGIONAL OFFICE

Atria North, Suite E222 Tel. (416) 495-2000
2255 Sheppard Avenue East Fax (416) 495-2004
Willowdale, Ontario M2J 4Y1

HAMILTON

Suite 202 Tel. (905) 572-2451
350 King Street East Fax (905) 572-2413
Hamilton, Ontario

Mailing Address

P.O. Box 2056
Station "A"
Hamilton, Ontario L8N 3R5

LONDON

Suite 600 Tel. (519) 438-1731
150 Dufferin Avenue Fax (519) 438-5266
London, Ontario

Mailing Address

P.O. Box 2845
London, Ontario N6A 5N6

OSHAWA

Suite 100 Tel. (905) 571-3200
419 King Street West Fax (905) 571-1523
Oshawa, Ontario

Mailing Address

P.O. Box 890
Oshawa, Ontario L1J 2K5

OTTAWA

Carling Executive Park Tel. (613) 728-6884
1565 Carling Avenue Fax (613) 724-7769
Suite 300
Ottawa, Ontario

Mailing Address

P.O. Box 3516, Station "C"
Ottawa, Ontario K1Y 4G1

SUDBURY

Scotia Tower Tel. (705) 671-4400
3rd Floor, Suite 306 Fax (705) 671-4394
30 Cedar Street
Sudbury, Ontario

Mailing Address

P.O. Box 1300
Sudbury, Ontario P3E 4S7

THUNDER BAY

Suite 200 Tel. (807) 343-2010
Royal Insurance Bldg. Fax (807) 345-0696
28 North Cumberland Street
Thunder Bay, Ontario

Mailing Address

P.O. Box 2026, Station "P"
Thunder Bay, Ontario P7A 4K9

TORONTO

650 Lawrence Avenue West Tel. (416) 781-2451
North York, Ontario M6A 1B2 Fax (416) 781-4473

Manufactured Housing Companies

A & R Prefabrication

Clarke Road Tel. (613) 673-5151
Concession 10
Pendleton, Ontario K0B 1C0

Arendswood Homes Inc.

7100 Woodbine Tel. (416) 470-2445
Suite 104 Fax (416) 470-2462
Markham, Ontario L3R 1A2

Beaver Homes and Cottages

Beaver Lumber Company Tel. (416) 479-7272
7303 Warden Avenue Fax (416) 475-2183
Markham, Ontario L3R 5Y6

Canadian Building Systems Inc.

3455 North Service Road Tel. (416) 335-2000
P.O. Box 5006 Fax (416) 336-8811
Burlington, Ontario L7R 3Z3

Canadian Portable Structures Limited

4400 Corporate Drive Tel. (905) 335-5500
Burlington, Ontario L7L 5R3 Fax (905) 335-1492

Davey Lumber and Building Supplies

Tapleystown Road Tel. (905) 662-6359
Stoney Creek, Ontario L8G 3X4 Fax (905) 825-3328

Descon Building Systems Inc.

41 Empress Avenue Tel. (613) 238-6777
Ottawa, Ontario K1R 7E9 Fax (613) 238-6777

Garden Units Leasing Limited,

P.O. Box 44024 Tel. (905) 725-0726
Grandview Station Fax (905) 432-3645
Oshawa, Ontario L1H 8R5

General Manufactured Housing

175 Oxford Street West Tel. (519) 262-3322
P.O. Box 280 Fax (519) 262-3113
Hensall, Ontario N0M 1X0

Granny Flats Inc.

R.R. #2 Tel. (705) 722-4430
Shanty Bay, Ontario
L0L 2L0

Guildcrest Building Corporation

20 Mill Street Tel. (613) 448-1190
Morewood, Ontario K0A 2R0 Fax (613) 448-1106

Halliday Homes Limited

Highway 7 & 15 Tel. (613) 257-3445
P.O. Box 340 Fax (613) 257-1967
Carleton Place, Ontario K7C 3P4

Interlocking Building Systems

2265 Royal Windsor Drive Tel. (416) 823-4623
Mississauga, Ontario L5J 1K1 Tel. (519) 235-1530

L&R Trailer Manufacturing Incorporated

P.O. Box 16 Tel. (613) 673-5151/2053
Plantagenet, Ontario K0B 1L0

Linwood Homes

P.O. Box 20090 Fax (705) 436-7954
Barrie, Ontario L4M 6E9

Maple Leaf Homes and Cottages

184 Highway 17 East Tel. (705) 248-2696
Echo Bay, Ontario P0S 1C0 Fax (705) 248-3058

Mature Lifestyle Homes

(A division of Halliday Homes) Tel. (613) 345-7274
P.O. Box 2106
Brockville, Ontario K6V 6N5

Northlander Industries Limited

P.O. Box 190 Tel. (519) 235-1530
165 Thames Road East Fax (519) 235-2789
Exeter, Ontario N0M 1S0

NRB Inc. - Modular Building System

115 South Service Road West Tel. (905) 945-9622
P.O. Box 129 Fax (905) 945-2003
Grimsby, Ontario L3M 4G3

Ontario Home Systems

Box 188 Tel. (705) 326-4770
Orillia, Ontario L3V 6J3

Quality Manufactured Homes Limited

R.R. #2 Tel. (519) 323-2480
Kenilworth, Ontario N0G 2F0 Fax (519) 323-3897

Ratcliff Lumber Limited

Construction Division Tel. (905) 888-1588/1971
Gormley Post Office Fax (905) 888-1473
Gormley, Ontario L0H 1G0

Reemark Homes Limited

194 Merton Street Tel. (416) 483-4112
Suite 200 Fax (416) 483-4176
Toronto, Ontario M4S 3B7

H.H. Robertson Inc.

411 Parkdale Avenue North Tel. (905) 544-2831
P.O. Box 100, Station A Fax (905) 561-6966
Hamilton, Ontario L8N 3B6

Royal Homes Limited

P.O. Box 4700 Tel. (705) 295-4101
Peterborough, Ontario K9J 8J6 Fax (705) 295-4663

Royal Homes Limited

P.O. Box 370, Arthur Street Tel. (519) 357-2606
Wingham, Ontario N0G 2W0 Fax (519) 357-1742

Steelway Building Systems

Division Glen White Industries Ltd. Tel. (519) 765-2244
R.R. #5 Fax (519) 773-7398
Aylmer, Ontario N5H 2R4

Temp X-10

Box 535 Tel. (519) 786-2222
Forest, Ontario N0N 1J0

Thermapan Industries

P.O. Box 479 Tel. (905) 892-2675
Fonthill, Ontario L0S 1E0 Fax (905) 892-8825

Valhalla Custom Homes

355 John Street Tel. (905) 225-6950
Thornhill, Ontario L6T 5W5 Fax (905) 889-7223

Ventury Home Manufacturing Limited

160 Baseline Road Tel. (905) 623-6341
Bowmanville, Ontario L1C 1A2 Fax (905) 623-8809

Viceroy Homes Ltd.

30 Melford Drive Tel. (416) 298-2200
Scarborough, Ontario M1B 1Z4 Fax (416) 298-9545

8.0 THE PROVINCE OF MANITOBA

Government Departments and Agencies

Provincial Planning Coordinator

Department of Rural Development Tel. (204) 945-2595

607 - 800 Portage Avenue

Winnipeg, Manitoba R3G 0N4

Manitoba Department of Housing

Program Development and Support Division

Research and Planning Section Tel. (204) 945-4650

280 Broadway, 3rd Floor Fax (204) 945-0546

Winnipeg, Manitoba R3C 0R8

Canada Mortgage and Housing Corporation

WINNIPEG

4th Floor Tel. (204) 983-5600

10 Fort Street Fax (204) 983-8046

Winnipeg, Manitoba

Mailing Address

P.O. Box 964

Winnipeg, Manitoba R3C 1C4

Manufactured Housing Companies

All-Fab Building Components Inc.

1755 Dugald Road Tel. (204) 661-8880

Winnipeg, Manitoba R2J 0H3 Fax (204) 661-6973

Conquest Manufacturing Limited

P.O. Box 646 Tel. (204) 324-6941

Altona, Manitoba R0G 0B0 Fax (204) 324-1297

Grandeur Housing Limited

P.O. Box 2260

Winkler, Manitoba R6W 4B9

Tel. (204) 325-9558

Fax (204) 325-5048

Olympic Building Systems Ltd.

1755 Dugald Road

Winnipeg, Manitoba R2J 0H3

Tel. (204) 661-8600

Fax (204) 661-6973

9.0 THE PROVINCE OF SASKATCHEWAN

Government Departments and Agencies

Community Development Division

Department of Community Services Tel. (306) 787-2725
310 - 2151 Scarth Street Fax (306) 787-4181
Regina, Saskatchewan S4P 3V7

Saskatchewan Municipal Government

Housing Division Tel. (306) 787-4200
2151 Scarth Street Fax (306) 787-8571
Regina, Saskatchewan S4P 3V7

Canada Mortgage and Housing Corporation

REGINA

CMHC c/o K. Schaffer Tel. (306) 780-5880
3303 Hillsdale Street
Regina, Saskatchewan

Mailing Address

P.O. Box 1186
Regina, Saskatchewan S4P 3B6

SASKATOON

301 - 119 4th Avenue South Tel. (306) 975-4900
Saskatoon, Saskatchewan Fax (306) 975-6066

Mailing Address

P.O. Box 1107
Saskatoon, Saskatchewan S7K 3N2

Manufactured Housing Companies

Elite Insulated Building System Inc.

P.O. Box 940 Tel. (306) 937-2699
Battleford, Saskatchewan S0M 0E0 Fax (306) 937-7676

NU-FAB Building Products Limited

701 45th Street West Tel. (306) 244-7119
Saskatoon, Saskatchewan S7L 5W5 Fax (306) 244-0553

Shelter Industries Limited

P.O. Box 845 Tel. (306) 634-7255
#200 Highway 18 West Fax (306) 634-7597
Estevan, Saskatchewan S4A 2A7

Sandleking Homes Limited

P.O. Box 125

Tel. (403) 962-3220

Winterburn, Alberta T0E 2N0

Seven S Structures Inc.

P.O. Box 1119

Tel. (403) 227-3550

Innisfail, Alberta T0N 1A0

Fax (403) 227-3601

Travco Housing Limited

1507 8th Street

Tel. (403) 955-7366

Nisku Industrial Park

Fax (403) 955-8938

Nisku, Alberta T0C 2G0

Triple E Homes Limited

P.O. Box 725

Tel. (403) 320-8588

Hangar #1

Fax (403) 320-6925

Kenyon Field Airport

Lethbridge, Alberta T1J 3Z6

Winalta Shelters Inc.

Site 2, Box 49

Tel. (403) 470-5650

R.R. #1

Fax (403) 470-5452

Winterburn, Alberta T0E 2N0

11.0 THE PROVINCE OF BRITISH COLUMBIA

Government Departments and Agencies

Housing Division

Ministry of Municipal Affairs Tel. (604) 387-7034
 Recreation and Housing Fax (604) 387-4048
 800 Johnson Street
 Victoria, British Columbia V8V 1X4

B.C. Housing Management Commission

Suite 1701 Tel. (604) 433-1711
 4330 Kingsway
 Burnaby, British Columbia V5H 4G7

Canada Mortgage and Housing Corporation

KELOWNA

Suite 104 Tel. (604) 861-6049
 565 Bernard Avenue Fax (604) 861-6054
 Kelowna, British Columbia V1Y 8R4

PRINCE GEORGE

Canada Trust Tower Tel. (604) 561-5433
 300 - 299 Victoria Street Fax (604) 561-5444
 Prince George, British Columbia V2L 5B8

VANCOUVER

Suite 400 Tel. (604) 731-5733
 2600 Granville Street Fax (604) 732-9944
 Vancouver, British Columbia V6H 3V7

VICTORIA

415 George Road East Tel. (604) 995-3400
 Victoria, British Columbia Fax (604) 995-2640

Mailing Address

P.O. Box 5066
 Station "B"
 Victoria, British Columbia V8T 2W1

Manufactured Housing Companies

Manufactured Housing Association of British Columbia

Suite 202 Tel. (604) 850-1353
 32463 Simon Avenue Fax (604) 850-6762
 Abbotsford, British Columbia V2T 5E3

Britco Structures Limited

5960 Glover Road Tel. (604) 530-2324
 Langley, British Columbia V3A 4H9 Fax (604) 530-6242

Britco Structures Ltd.

9267 194th Street Tel. (604) 888-2000
 Surrey, British Columbia V4N 4G1 Fax (604) 888-2086

Canada Comfort Homes Limited

R.R. #1, Site 24, Box 10 Tel. (604) 886-2596
 Gibsons, British Columbia V0N 1V0 Fax (604) 886-2383

Can-Am Building Supply Limited

11016 Bridge Street Tel. (604) 580-1415
 Surrey, British Columbia V3V 3T9 Fax (604) 580-1528

Chaparral Industries (86) Limited

3075 Sexsmith Road Tel. (604) 765-2985
 Kelowna, British Columbia V1V 1L4 Fax (604) 765-7177

Chilliwack Manufactured Homes (1985) Limited

P.O. Box 229 Tel. (604) 795-7221
 Sardis, British Columbia V2R 1A5

Dick's Lumber and Building Supplies Ltd.

2580 Gilmore Avenue Tel. (604) 437-1111
 Burnaby, British Columbia V5C 4T5 Fax (604) 437-8542

Douglas Manufactured Homes Limited

Head Office
 316 West 5th Avenue Tel. (604) 872-2213
 Vancouver, British Columbia V5Y 1J5 Fax (604) 872-0116

Lindal Cedar Homes Limited

10880 Dyke Road
Surrey, British Columbia V3V 7P4

Tel. (604) 580-1191
Fax (604) 580-1810

Linwood Homes

8250 River Road
Delta, British Columbia V4G 1B5

Tel. (604) 946-5421
Fax (604) 946-0045

Milestone Projects International Inc.

200 1594 Kebet Way
Port Coquitlam, British Columbia
V3C 5M5

Tel. (604) 464-4011
Fax (604) 464-3676

Module Industries Limited

P.O. Box 190
1175 Railway Avenue
Penticton, British Columbia V2A 6K3

Tel. (604) 493-0122
Fax (604) 493-0500

Nortech Design Group

933 Coutts Way
Abbotsford, British Columbia
V2S 4N2

Tel. (604) 859-2299
Fax (604) 859-3002

Northcrest Industries Ltd.

7400 - 209A Street
R.R. #11
Langley, British Columbia V3A 6Y3

Tel. (604) 530-3091
Fax (604) 533-8293

Pacific Homes Limited

A Division of Pacific
Builders Supplies Ltd.
20079 - 62nd Avenue
Langley, British Columbia V3A 5E6

Tel. (604) 534-7441
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Government Departments and Agencies

Community Planning Division

Department of Municipal and Community Affairs

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Canada Mortgage and Housing Corporation

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Fax (403) 873-3922

Yellowknife, Northwest Territories

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13.0 YUKON TERRITORY

Government Departments and Agencies

Community Planning Lands Branch

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